

Bridgewater State University
The Office of Community Standards
Student Code of Conduct

Preamble

Bridgewater State University is a community that prides itself on academic excellence and service to the local and global community. Membership in the Bridgewater State University community is a privilege for those who are invited to join. Becoming a student at BSU brings a responsibility to adhere to the values of the University community. Some of these core values include:

- Maximizing teaching and learning relationships.
- Promoting personal and professional growth.
- Fostering the University's responsibility to the public.
- Increasing diversity and global awareness.
- Serving as an agent of social justice.

Students and student organizations, teams and groups who breach the trust and values of the community shall be held accountable for their actions. *The Student Code* defines the rights and responsibilities of students and provides a process for responding to allegations of student misconduct in a way that accords with the values of the University.

Part I: Student Conduct Authority

The Student Code is adopted under M.G.L. c. 15A, § 22, which grants to Bridgewater State University the legal authority to establish "those policies necessary for the... general business of the institution." *The Student Code* is administered by the Director of Community Standards under the general direction of the Vice President of Student Affairs and Enrollment Management. Under the direction of the Vice President of Student Affairs and Enrollment Management, the Director of Community Standards has been charged with the day-to-day responsibilities for the administration of the Office of Community Standards and *The Student Code*. The Vice President of Student Affairs and Enrollment Management or designee shall coordinate recommendations from members of the University community regarding suggested revisions to *The Student Code*, and shall present proposed substantive changes to the Division of Student Affairs and The Cabinet.

Part II: Definitions

The following selected terms are defined in an effort to facilitate a more thorough understanding of *The Student Code*. This list is not intended to be a complete list of all the terms referenced in *The Student Code* that might require interpretation or clarification. The Director of Community Standards, or designee shall make the final determination on the definition of any term found in *The Student Code*.

1. **Administrative Conference Agreement** means the final agreement regarding violations and/or sanctions agreed upon between the Community Standards officer and the student or Student Organization.

2. **“Administrative Review officer” or “Community Standards officer”** means a University staff member who is authorized to determine the appropriate resolution of an alleged violation of *The Student Code*, and/or to impose sanctions or affect other remedies as appropriate. Subject to the provision in this code, an Administrative Review officer as well as a Community Standards officer is vested with the authority to, among other duties, investigate a complaint of an alleged violation of *The Student Code*; decline to pursue a complaint; refer identified disputants to mediation or other appropriate resources; establish *The Student Code* alleged violations regarding a respondent; approve an Administrative Conference Agreement developed with a respondent; conduct an Administrative Review; impose sanctions; approve sanctions recommended by another review body; and conduct an appellate review.
3. **“Administrative Review Committee (ARC)”** means one or two University Administrative Review Officers review the investigation report submitted by the Community Standards officer and are responsible for issuing a formal decision in the matter
4. **“Advisor”** means any person who accompanies a respondent, a complainant, or a victim for the limited purpose of providing support and guidance. An advisor of your choice may not directly address the Administrative Review officers, Community Standards officers, question witnesses, or otherwise actively participate in the Community Standards process. Requests to change proposed meetings to accommodate an Advisor’s schedule will not be considered.
5. **“Appellate body”** means any person or persons authorized by the Provost, Vice President of Student Affairs and Enrollment Management, or designee to conduct a review of a decision reached by an administrative review committee.
6. **“Bullying”** means the severe or repeated use by one or more students of a written, verbal, or electronic expression, or a physical act or gesture, or any combination thereof, directed at another individual that has the effect of: causing physical or emotional harm to the other student or damage to the other individual’s property; placing the other individual in reasonable fear of personal harm or damage to personal property; creating a hostile environment at school for the other individual; infringing on the rights of other individuals in the University community or activities; materially and substantially altering the education process or the orderly operation of the University. If the bullying is directed at those associated, or perceived to be associated with a protected class, it may be a violation of the University Policy Against Discrimination, Discriminatory Harassment, and Retaliation (included in the [Equal Opportunity, Diversity and Affirmative Action Plan](#)) and/or a violation of the University’s [Sexual Violence Policy](#). Violations of those policies may be addressed under the [Investigation and Resolution Procedures](#).
7. **“Business day”** means any day, Monday through Friday, that the University is open.
8. **“Community Restitution Project”** means work projects on and off campus.
9. **“Community Standards file”** means the printed/written/electronic file which may include but is not limited to incident report(s), correspondence, academic transcript, witness statements, and Community Standards history.
10. **“Complainant”** means any person, or the University itself, who submits an allegation that a student or a Student Organization violated *The Student Code*. When a student believes that they have been a victim of misconduct of another student or Student Organization, the student

who believes they have been a victim will have the same rights under *The Student Code* as are provided to the respondent even if another member of the University community submitted the allegation itself.

11. **“Consent”** has the meaning set forth in the [Sexual Violence Policy](#).
12. **“Dating Violence”** has the meaning set forth in the [Sexual Violence Policy](#).
13. **“Domestic Violence”** has the meaning set forth in the [Sexual Violence Policy](#).
14. **“Designee”** refers to a staff or faculty member who is responsible for implementing the Community Standards process or administering the Community Standards system, in part or in whole, at the direction of the Vice President of Student Affairs and Enrollment Management, Director of Community Standards or other University official.
15. **“Director of Community Standards”** refers to that person in Student Affairs, designated by the Vice President, to be responsible for the overall coordination of the University Community Standards system, including the development of policies, procedures, and education and training programs. The Director of Community Standards may serve as an Administrative Review officer, Community Standards officer, and/or an appellate body.
16. **“Disciplinary Hold”** means an administrative hold placed on a student’s record or on a Student Organization’s activities or privileges when the student or Student Organization Representative does not respond to the request of a University official to attend an Administrative Conference, has not completed an assigned sanction, or, with respect to a student, has withdrawn from the University while a conduct matter is pending.
17. **“Discriminatory Harassment”** has the meaning set forth in the [Equal Opportunity, Diversity and Affirmative Action Plan](#).
18. **“EO Director”** means the Director of the Office of Equal Opportunity. The University has appointed the EO Director as its Title IX Coordinator to oversee its compliance with Title IX of the Higher Education Amendment of 1972 (Title IX) and other equal opportunity laws and regulations.
19. **“Gender-Based Harassment”** has the meaning set forth in the [Sexual Violence Policy](#).
20. **“Guest”** means a non-student who is an associate or invitee of a student and/or Student Organization.
21. **“Hazing”** has the meaning set forth in the [Hazing Policy](#).
22. **“Incident database”** means the electronic database used to track an incident and the response taken.
23. **“Instructor”** means any faculty member, teaching assistant, graduate assistant or any other person authorized by the University to provide educational services (e.g., teaching, research, or academic advising).
24. **“Interim Administrative Action”** means an immediate restriction taken against a student or Student Organization prior to an Administrative Conference on the student’s alleged

violation.

25. **“Investigator”** means the Community Standards officer charged with conducting a full investigation of an alleged violation of *The Student Code*.
26. **“May”** is used in the permissive sense.
27. **“Member of the University community”** includes any person who is a student, instructor, or University employee; any person who works (directly or indirectly (e.g., a vendor)), resides, or receives services on University premises or in connection with its programs or activities; and may include visitors to University premises. A person’s status in a particular situation shall be determined by the Director of Community Standards.
28. **“Policy”** is defined as any written policy, procedure, standard, regulation, rule or Community Standards expectation adopted by the University, as the same may be amended, modified or replaced from time to time.
29. **“Respondent”** means a student who, or Student Organization which, may be charged for violating *The Student Code*.
30. **“Shall”** and **“Will”** are used in the imperative sense.
31. **“Sanction”** means a requirement a student or Student Organization must abide by or complete when found responsible for violating *The Student Code*.
32. **“Sexual Assault”** has the meaning set forth in the [Sexual Violence Policy](#).
33. **“Sexual Exploitation”** has the meaning set forth in the [Sexual Violence Policy](#).
34. **“Sexual Harassment”** has the meaning set forth in the [Sexual Violence Policy](#).
35. **“Sexual Violence”** has the meaning set forth in the [Sexual Violence Policy](#).
36. **“Stalking”** has the meaning set forth in the [Sexual Violence Policy](#).
37. **“Student”** means any person who has been admitted to, registered or enrolled in, or attends, attended or attending the University, any University course, or University conducted program.
38. **“Student Organization”** means an association or group of persons, including, but not limited to, any student organization, team or club, that has complied with the formal requirements for University recognition or are recognized by the University.
39. **“Student Organization Representative”** means the president or designee chosen the Student Organization officers to participate in the Community Standards process on behalf of the Student Organization.
40. **“University”** means Bridgewater State University.

41. “**University official**” includes any person authorized by the University to perform administrative, instructional, or professional duties.
42. “**University premises**” includes all land, buildings, facilities, and other property in the possession of or owned, used, or controlled by the University, either solely or in conjunction with another entity or person.
43. “**Witness**” means any person with knowledge pertaining to an alleged violation of *The Student Code* by a student or Student Organization.

Part III: Proscribed Conduct

The Student Code applies to students and Student Organizations.

A. Jurisdiction of the University

1. Each student shall be responsible for their conduct from the time of admission through the actual awarding of a degree, even though conduct may occur before classes begin or after classes end, as well as during the academic year and during periods between terms of actual enrollment (and even if their conduct is not discovered until after a degree is awarded). *The Student Code* shall apply to a student’s conduct even if the student withdraws from the University while a Community Standards matter is pending.
2. Each Student Organization may be held responsible for the conduct of any of its members or guests in addition to any sanctions received by any student member in their individual capacity.
3. Generally, University jurisdiction shall be limited to conduct that occurs on or about University premises or in connection with University-sponsored, University-supervised or University-affiliated events, programs, and activities (including students involved with off-campus internships, study abroad programs, and recognized or unrecognized Student Organizations). However, the University may apply *The Student Code* to students, Student Organizations, and unrecognized Student Organizations whose misconduct may have an adverse impact on the University, members of the University community, and/or the pursuit of University objectives regardless of where such conduct may occur.

The following examples describe the kinds of off-campus acts that may be addressed through the University Community Standards system: driving under the influence of alcohol or drugs; physical assault; sale/distribution of illegal substances; and malicious destruction of property. These examples are illustrative in intent and they should not be regarded as all-inclusive. Should the Director of Community Standards reasonably determine that a particular alleged act of off-campus misconduct falls within the jurisdiction of the University, the case will be referred to the University Community Standards system.

4. University Community Standards proceedings may be instituted against a student or Student Organization charged with conduct that potentially violates both the criminal law and *The Student Code* (that is, if both possible violations result from the same factual situation) without regard to the pendency of civil or criminal litigation in court or criminal arrest and prosecution. Proceedings under *The Student Code* may be carried out prior to or simultaneously with civil or criminal proceedings at the discretion of the Director of Community Standards. The University cooperates with law enforcement, or other agencies,

in the enforcement of laws on campus and in regards to its students. This includes providing information requested by subpoena or as otherwise permitted by law.

Determinations made or sanctions imposed under *The Student Code* shall not be subject to change because criminal charges arising out of the same facts giving rise to violation of University rules were dismissed, reduced, or resolved in favor of or against the criminal law defendant.

5. Sexual violence, including but not limited to, sexual assault and sexual exploitation, dating violence, domestic violence, stalk, sexual harassment, and gender-based harassment are prohibited by the Sexual Violence Policy and may be adjudicated under the Investigation and Resolution Procedures.
6. Discrimination and discriminatory harassment are prohibited by the Policy Against Discrimination, Discriminatory Harassment and Retaliation (included in the Equal Opportunity, Diversity and Affirmative Action Plan) and may be adjudicated under the Investigation and Resolution Procedures. Additionally, matters involving potential violations of both the Equal Opportunity, Diversity and Affirmative Action Plan and the Student Code may be co-investigated by both offices.
7. Generally, the influence of drugs and/or alcohol on a student's judgment or behavior will not be accepted as a mitigating factor with respect to the resolution of an act of misconduct.
8. Students are responsible for the consequences of their actions even when the conduct may have been influenced by their physical or emotional state (irrespective of any medical or clinical diagnoses). Students seeking an accommodation are encouraged to review Section I: Accommodations for Students with Disabilities for additional information.
9. Students are responsible for the contents of their rooms, cars, lockers, or person regardless of claims of personal ownership. Students may also be held responsible for shared common areas.
10. Students and Student Organizations are responsible for the conduct of their guests and should be with guests at all times. Guests may be removed from the University at the discretion of University Police.
11. If an incident report involves more than one charged student, or if there is more than one incident involving the same student, the Director of Community Standards, or designee, in their discretion, may determine whether an Administrative Conference and/or Investigation concerning each incident will be conducted either separately or jointly.
12. Student Organizations.
 - a. Student organizations may be held accountable under *The Student Code* for the Student Organization's misconduct and/or for the misconduct of any one or more of its leaders, members, guests, or other representatives.
 - b. The Student Organization must designate one Student Organization Representative by written notice to the Director of Community Standards or designee within 3 days of being sent notice of alleged violations of The Student Code. The Student

Organization Representative will represent the Student Organization during the Community Standards process.

- c. Review of allegations of misconduct of individual student members will be determined under *The Student Code* prior to determination of Student Organization alleged violations.
- d. Student Organizations are prohibited from conducting their own disciplinary proceedings prior to resolution of alleged violations of *The Student Code*.
- e. Nothing in *The Student Code* shall preclude holding students who are members of a Student Organization responsible for their individual violations of *The Student Code* committed in the context of or in association with the Student Organization's alleged violation of *The Student Code*. Both the Student Organization and individual students may be found responsible for violations of The Student Code in connection with the same behavior.
- f. The Student Organization Representative is required to notify the Student Organization's advisor of any alleged violations of The Student Code and any sanctions imposed.

13. Parental Notification.

As recommended by the Massachusetts Board of Higher Education and permitted by the Family Educational Rights and Privacy Act (FERPA), the University may notify parents/guardians when students under the age of 21 have been found responsible for violating the University's alcohol or drug policies.

B. Conduct Rules and Regulations

Students and Student Organizations must adhere to and uphold *The Student Code* and obey University policies, rules and procedures as well as federal, state, and local laws. The Director of Community Standards or designee shall make the final determination on what constitutes a potential violation of *The Student Code* and shall establish the specific behavioral allegations(s) as appropriate.

Amnesty Procedure

Students may be hesitant to report sexual violence, sexual harassment, gender-based harassment, domestic violence, dating violence, stalking or retaliation out of concern that they, or witnesses, might be charged with violations of the State Universities' drug/alcohol policies. While the Universities does not condone such behavior, we place a priority on the need to address sexual violence and misconduct. Accordingly, university officials may elect not to pursue discipline against a student who, in good faith, reports, witnesses or possesses personal knowledge of sexual violence, sexual harassment, gender-based harassment, domestic violence, dating violence, stalking or retaliation.

Similarly, the University recognizes that there may be alcohol or drug-related medical emergencies or other safety emergencies in which the potential for disciplinary action could act as a deterrent to students who want to seek assistance for themselves or others. When a student aids an intoxicated or impaired individual by contacting the Bridgewater State University Police or

Residence Life staff, it is up to the discretion of the Director of Community Standards, or designee, to determine if any involved parties, Student Organizations or Unrecognized Student Organizations will be subject to disciplinary action. This does not preclude disciplinary action regarding other violations of university standards such as causing or threatening physical harm, damage to property, harassment, hazing, or violations of the Sexual Violence Policy. Students who are transported to a local hospital, placed in protective custody, or evaluated as a result of the abuse of alcohol or other drugs will be contacted by a University official to meet to discuss the incident.

The following list of behaviors is intended to represent the types of acts that constitute violations of *The Student Code*. Although the list is extensive, it should not be regarded as all-inclusive. All community members are responsible for knowing and observing all Policies.

1. Acts of dishonesty including, but not limited to: furnishing false information; forgery, alteration, or misuse of any document (including but not limited to: student admission materials), record, or instrument of identification; or misrepresenting oneself as another. This may also include violations of the [Academic Integrity Policy](#). Alleged academic dishonesty violations will be addressed according to the provisions of the Academic Integrity Policy.
2. Disruptive behavior which is defined as participating in or inciting others to participate in the disruption or obstruction of any University activity, including, but not limited to: teaching, research, events, administration, Community Standards proceedings, the living/learning environment, or other University activities, on or off-campus; or of other non-University activities.
3. Harming behavior, which includes, but is not limited to: the true threat of or actual physical force or abuse or bullying. In determining whether an act constitutes bullying, The Office of Community Standards will consider the full context of any given incident, giving due consideration to the protection of the members of the University community, and the individual rights, freedom of speech, academic freedom and advocacy required by law. Please note that not every act that might be offensive to an individual or a group necessarily will be considered a violation of *The Student Code*. In addition, please note that any allegation of harming behavior and/or bullying involving alleged discrimination and/or discriminatory harassment on the basis of race, color, creed, religion, national origin, gender, marital or parental status, age, disability, sexual orientation, gender identity, gender expression, genetic information, or veteran status, including, but not limited to, sexual harassment, sexual misconduct, dating violence, domestic violence, and stalking, will be considered under Section 4 and 5.
4. Violation of University Policy Against Discrimination, Discriminatory Harassment, and Retaliation. The University prohibits discrimination and discriminatory harassment on the basis of race, color, creed, religion, national origin, gender, marital or parental status, age, disability, sexual orientation, gender identity, gender expression, genetic information, or veteran status. The University also prohibits retaliation against any person who files such a claim, complaint, or charge or who assisted or participated in an investigation or resolution of such claim, complaint, or charge. For further information regarding this policy, see the [Equal Opportunity, Diversity and Affirmative Action Plan](#) and the [Investigation and](#)

Resolution Procedures.

5. Violation of the Sexual Violence Policy. The University prohibits sexual harassment, gender-based harassment, sexual violence (including sexual assault, sexual exploitation, incest, and statutory rape), dating violence, domestic violence, and/or stalking. The University also prohibits retaliation against any person who files such claim, complaint, or charge or who assisted or participated in an investigation or resolution of such claim, complaint, or charge. For further information, see Sexual Violence Policy and Investigation and Resolution Procedures.
6. Endangering behavior which includes, but is not limited to, conduct that threatens or endangers the health or safety of any person including one's self.
7. Failure to abide by the Hazing Policy.
8. Failure to abide by the Alcohol Policies. Notwithstanding the Alcohol Policies, specific violations include:
 - a) Being a student, under the age of 21, not engaged in an employment or other permissive activity, in the presence of an alcohol container.
 - b) Possession, or use, of alcohol by a student under the age of 21.
 - c) Serving, distributing, or obtaining alcohol for, or allowing consumption by, any individual who is under 21 years of age.
 - d) Possession, use, sale or distribution of a false identification card, or other false age or identity verification form.
 - e) Use of an alcohol container (including, but not limited to empty beer cans or bottles, etc.) as a room decoration, vase, or storage item.
 - f) Possession of alcohol at Bridgewater State University is limited to those who are 21 years of age and older. Possession of alcohol in a residence hall is limited to residents of the Great Hill Apartments who are 21 years of age or older who may possess alcohol in their rooms subject to the following limits in any 24 hour period: *either* (A) 72 oz. of beer or wine cooler or (B) 200 ml of hard alcohol (80 proof or under), or (C) 75 ml of wine (limits apply to full, partially full, or empty alcoholic beverage containers). No alcohol stronger than 80 proof is permitted.
 - g) Commercial delivery of alcoholic beverages to the campus is prohibited.
 - h) Any alcohol stronger than 80 proof is not permitted on campus.
 - i) Drinking games are prohibited. Paraphernalia used to administer drinking games or assist the user in ingesting alcohol at a fast rate are a violation of *The Student Code*. This includes, but is not limited to, funnels and beer pong. Such paraphernalia may not be maintained on University property and will be confiscated if discovered.
 - j) Common source containers containing alcohol are prohibited. This includes, but is not limited to kegs, beer balls, and/or punch bowls being used to serve alcohol.
 - k) Public intoxication, either on campus or off campus, is prohibited.
 - l) Public consumption of alcoholic beverages or possession of an open container of alcohol in an area not authorized by University Officials, is prohibited in public.
 - m) Operation of a motor vehicle which contains alcohol, by a student under the age of 21, regardless of the age of any passenger, is prohibited.
 - n) Use of alcoholic beverages to render another person physical or emotionally incapacitated is prohibited.
 - o) Operation of a vehicle under the influence of alcohol on campus or off-campus is prohibited.

9. Failure to abide by the [Drug Free Policies](#). Notwithstanding the Drug Free Policies, specific violations include:
 - a) The possession, use, cultivation, manufacture, participation in a conspiracy, or distribution of illegal drugs, narcotics or controlled substances, or attempts to commit the same, is prohibited. This includes the use or possession of legally prescribed drugs which fall outside the parameters of the medical prescription.
 - b) Being under the influence of illegal drugs is prohibited.
 - c) Being a student in the presence of illegal drugs is prohibited.
 - d) The use of drugs to render another person physically or emotionally incapacitated is strictly prohibited.
 - e) The possession, use, sale or distribution of drug paraphernalia is strictly prohibited.
 - f) Operating a vehicle while under the influence of drugs on-campus or off-campus is prohibited (exception: the use of medication prescribed by a doctor in accordance with such prescription).

While Massachusetts state law permits the use of medical marijuana, federal law prohibits marijuana use, possession, distribution, and/or cultivation at educational institutions. Therefore, the use, possession, distribution or cultivation of marijuana for medical purposes is not allowed in any Bridgewater State University residence hall or on any other Bridgewater State University premises; nor is it allowed at any University-sponsored event or activity off campus or any Student Organization event or activity. Anyone who possesses or uses marijuana at any University premises may be subject to civil citation, state or federal prosecution, and University discipline.

In addition, no accommodations will be made for any student in possession of a medical marijuana registration card except that Bridgewater State University may release students from their Residence Hall License Agreement if approved as a reasonable accommodation for a documented disability requiring use or possession of marijuana for medical purposes.

10. Failure to abide by the [Tobacco Free Policy](#).
11. Failure to abide by the [Weapons and Firearm Policy](#).
12. Uncooperative behavior which includes, but is not limited to, uncooperative behavior and/or failure to comply with the directions of, providing false information, and/or failure to identify oneself to University officials or law enforcement officers acting in the performance of their duties. This includes failing to provide identification when asked by University Officials.
13. Creating a fire hazard or a situation that endangers others such as arson; the unauthorized or improper possession, use, removal or disabling of fire safety equipment and warning devices; failure to follow fire safety procedures or instructions; or interference with firefighting equipment or personnel.
14. False reporting of fire, bombs, or other emergency situations.
15. Assisting another person or a Student Organization in the commission, or attempted commission, of a violation of *The Student Code*.
16. Conduct that is lewd, indecent, or disorderly such as public urination, public defecation, streaking, stripping, solicitation of a stripper, and/or participation in acts of a sexual nature

publicly or in the presence of others that do not rise to the level of a violation of the [Equal Opportunity, Diversity and Affirmative Action Plan](#).

17. Violations of campus guest regulations – student hosts and Student Organizations are responsible for their guests' actions.
18. Violation of any published University policies or rules whether or not specifically listed in *The Student Code*.
19. Violation of the Residence Hall License Agreement or published [Residence Hall Policies and Procedures](#):
 - a) Alteration of Premises - Residents shall not make any changes, alterations or improvements to an apartment or room.
 - b) Pets - excepting fish, and those permitted under the Americans with Disabilities Act and other legislation.
 - c) Bathroom Designation - Residence hall bathrooms are designated as male, female, or gender-neutral.
 - d) Room Inspection Procedures - Rooms may be inspected for health, safety and security reasons on a periodic basis and prior to each vacation period, by a residence life and housing staff member, with or without notice or the presence of residents.
 - e) Hall Sports – Any type of sports or sports-related activity (such as bouncing a basketball) is prohibited at all times.
 - f) Furniture - All furniture and furnishings brought into a residential facility are subject to approval by a residence life and housing staff member. All personal furniture must be removed at the end of the occupancy period. No personal upholstered furniture is allowed in the residence halls. University supplied furniture cannot be removed from the room without the approval of a residence life and housing staff member. Additional university supplied furniture, based on availability, may be provided upon request. The furniture in lounges and recreational areas is for the use of all the residents of the building and may not be moved into resident rooms or apartments.
 - g) Room Decorations - Pictures, posters and other decorations may be hung on the walls with tape that will not mar the wall surface. Nails, tacks, pins, screws, scotch tape and duct tape are damaging, and their use may lead to damage charges. No more than a third of the room door should be covered with decorations. No items should be posted on or suspended from the ceiling, smoke detector or sprinkler head.
 - h) Guest Policy – As found in the [Residence Hall Policies and Procedures](#).
 - i) Prohibited Items – As found in the [Residence Hall Policies and Procedures](#).
 - j) Quiet Hours – Quiet Hours are observed in the residence halls from 9:00 PM to 8:00 AM Sunday night through Friday morning and from 12:00 AM to 10:00 AM Friday evening through Sunday morning.
20. Theft, which includes, but is not limited to, attempted or actual theft or unauthorized use or possession of property, resources, or services.
21. Forcible entry or unauthorized entry and/or presence in buildings or property, or attempts to commit the same.
22. Damage or misuse of property which includes, but is not limited to, attempted or actual damage to or misuse of University property or other personal or public property as well as actions which obstruct, disrupt, or physically interfere with the use of University equipment

- (including safety and security equipment) or premises.
23. Unauthorized possession, duplication, or misuse of University property or other personal or public property, including but not limited to records, electronic files, telecommunications systems, forms of identification, and keys.
 24. Violation of federal, state, or local law or conduct that would violate the legal rights of others.
 25. Failure to abide by the [Gambling and Bookmaking policy](#).
 26. Failure to abide by the Commercial [Solicitation Policy](#).
 27. Failure to abide by the [Responsible Use of Information Technology Policy](#).
 28. Failure to maintain a hygienic living and learning environment.
 29. Unauthorized use of the University name, logo, mascot, or other symbol.
 30. Abuse of the University Community Standards system, including, but not limited to:
 - a) Disruption or interference with the orderly conduct of a Community Standards proceeding.
 - b) Falsification, distortion, or misrepresentation of information to a Community Standards officer or Administrative Review Committee.
 - c) Influencing or attempting to influence another person to commit an abuse of the Community Standards system.
 - d) Attempting to discourage an individual's proper participation in, or use of, the Community Standards system.
 - e) Attempting to intimidate or retaliate against a member of a review body, a complainant, respondent or witness, prior to, during, and/or after a Community Standards proceeding.
 - f) Institution of a Community Standards code proceeding in bad faith.
 - g) Failure to comply with the sanction(s) imposed under *The Student Code*.
 31. Attempted use or actual use of electronic devices that invade a person's privacy.
 32. Continued participation in any Student Organization activities, including but not limited to, meetings or acceptance of new members, during any period that a Student Organization is subject to a Loss of Recognition, is not recognized by the University or other conduct in violation of a sanction imposed on a Student Organization.

Part IV: Community Standards Procedures The following procedures are the procedures followed to adjudicate all violations of *The Student Code* except that allegations of discrimination, discriminatory harassment, sexual harassment, gender-based harassment, sexual violence, dating violence, domestic violence, or stalking committed by a student or Student Organization are adjudicated under the [Investigation and Resolution Procedures](#) (which may involve participation by one or more Community Standards officers). Please see the [Equal Opportunity, Diversity and Affirmative Action Plan](#), the [Sexual Violence Policy](#) and the [Investigation and Resolution Procedures](#) for further information.

Community Standards officers may involve or seek input from other University Officials in any or all parts of the Community Standards Procedures as they deem appropriate, such as University Officials from

the Office of Student Involvement & Leadership or the Department of Athletics and Recreation with respect to Student Organization respondents.

A. Allegations

1. Any person may file a report regarding any student or Student Organization alleging misconduct. To initiate the Community Standards process, reports shall be prepared in writing and directed to the Director of Community Standards or to a designee. A report should be submitted as soon as possible after the alleged misconduct takes place.
2. The Director of Community Standards or designee shall determine if a complaint alleges or addresses a potential violation of *The Student Code* and will notify the respondent of such allegations. The decision to continue a complaint through the Community Standards process is the decision of the Director of Community Standards or designee.
3. Generally, the Director of Community Standards or designee will assign a Community Standards officer(s) to the case who will investigate, schedule a conference with the respondent(s) and other individuals as deemed necessary and appropriate.
4. The Director of Community Standards, or designee, will determine what testimony, witnesses, or other information is relevant and may exclude information or witnesses that are deemed immaterial and/or irrelevant.
5. The Director of Community Standards, or designee, may consult with the Office of Student Involvement and Leadership, the Department of Athletics and other relevant University Officials regarding allegations regarding Student Organizations or that imply Student Organization involvement.

B. Adjudication by Letter

1. The Director of Community Standards, or designee, shall determine the appropriateness of adjudicating an incident by letter. In such cases, a student shall receive a letter from the Community Standards officer outlining the violations, findings of responsibility, and sanction/s.
2. Students will have the opportunity to appeal said findings and sanctions within three (3) business days.
3. If students choose not to appeal the decision communicated by letter, the findings and sanctions will be considered final.
4. Examples of incidents that may be adjudicated by letter include but are not limited to: off campus incidents, violations of the Residence Hall License Agreement, and minor alcohol and/or drug offenses.

C. Administrative Conference

1. The Administrative Conference is a meeting between a respondent and a Community Standards officer to review a complaint/incident, explain the Community Standards process, and review possible options for resolving the matter.

2. After reviewing the incident with the respondent, the Community Standards officer will determine appropriate allegation(s) and/or violation(s), if any, and whether or not the situation may be resolved by way of an Administrative Conference Agreement or by an Investigation/Administrative Review. Respondents can also request an Investigation/Administrative Review.
3. If a respondent does not schedule or attend a conference by the date specified, or if the respondent schedules a conference, but does not attend or attends but does not participate, the incident may be referred to an Investigation/Administrative Review.
4. If the Community Standards officer and respondent are able to resolve the incident regarding the allegations and/or violations, but not the sanctions, the Investigation/Administrative Review shall focus on the sanctions.
5. Typically, findings of “not responsible” result in the matter being closed and students will receive this disposition in writing.
6. A respondent who agrees to resolve any allegation(s) and/or violation(s), and/or sanctions without an Administrative Review shall have no right to appeal.

D. Investigation/Administrative Review on Allegations/Violations:

1. If a situation cannot be resolved in an Administrative Conference, a full investigation will be conducted by the investigator.
2. If a respondent does not schedule or attend a conference by the date specified, or if the respondent schedules a conference, but does not attend or attends but does not participate, the investigator may complete the investigation based on the information obtained. This includes the use of police investigation reports.
3. The complainant, any alleged victim, and the respondent shall each have the right to:
 - a. Be notified of all alleged allegation(s) and/or violations. This will typically be done through the University e-mail system. Notifications of Student Organization respondents will be done through the University e-mail system to the president of the Student Organization (for notice of allegations) and the Student Organization Representative thereafter. Students and Student Organization leaders and Representatives are responsible for checking their University e-mail and following the instructions contained within the e-mail.
 - b. Review any written complaint(s) submitted in support of the allegation(s) and/or violations.
 - c. Be informed about the Community Standards process.
 - d. Submit a written account or present a personal statement regarding the incident. The decision to not present information is not an admission of responsibility and will not be

considered as such. A Student Organization Representative may submit one statement regarding the incident on behalf of the Student Organization.

- e. Present relevant information, including names of witnesses, questions for witnesses (including the individual reporting the misconduct) and other documentation, regarding the incident.
 - f. Be accompanied by one advisor during any Community Standards meeting in which the student or Student Organization is participating. A student or Student Organization should select an advisor of their choice whose schedule allows attendance at the scheduled date and time for the meeting(s) because delays will not normally be allowed due to the scheduling conflicts of an advisor.
 - g. Receive upon written request, at the conclusion of the investigation and appropriate review, a copy of the investigator's report, to the extent permitted by law.
 - h. Present a personal and/or community impact statement regarding potential sanctioning to the Administrative Review officer(s). A Student Organization Representative may submit one statement on behalf of the Student Organization.
4. Upon completion of the investigation, the investigator will attempt to meet with the student to review the findings of the investigation.
 5. Upon completion of the investigation, the investigator will submit to the Director of Community Standards, or designee, a report containing factual findings based on a preponderance of evidence standard, a determination of responsibility, and a recommendation regarding any disciplinary action that may be appropriate. If there is a finding of responsibility, the investigator will request that a respondent and/or complainant submit a community impact statement and notify the respondent and/or complainant of the Administrative Review to the extent permitted by law.
 6. One or two Administrative Review officers will be assigned to review the report, minus the recommendation regarding any disciplinary action as well as community impact statements, and issue a formal decision regarding findings of responsibility. The Administrative Review Committee may adopt the investigator's report, consult with the investigator, request that further investigation be done by the same or another investigator (including questioning of the parties), or request that the investigation be conducted again by another investigator. The Administrative Review Committee may not, however, conduct its own investigation or Administrative Review.
 7. If there is a finding that the respondent has violated *The Student Code*, the Administrative Review officers will review the respondent's complete educational record, including but not limited to their academic transcript and Community Standards history, if one exists, the recommendations regarding any disciplinary action, and any submitted personal and/or community impact statements.

8. Once the Administrative Review Committee has completed its review on findings and sanctions, the investigator shall send the final report to the Director of Community Standards, or designee. The respondent will be notified in writing of the findings and imposed sanctions. The complainant will be notified in writing of any sanction that has a direct impact on them if permitted or required by law. Upon written request, a copy of this report shall be made available to the respondent, alleged victim, and complainant if permitted or required by law. The respondent, the alleged victim, and the complainant will be simultaneously notified of the factual finding(s) in writing if permitted or required by law.

E. Administrative Review on Sanctions:

1. If a Community Standards officer and respondent are able to resolve the incident regarding the allegation(s) and/or violation(s), but not the sanctions, the Administrative Review shall focus on the sanctions.
2. The complainant, any alleged victim, and the respondent shall each have the right to:
 - a. Be informed about the Community Standards process.
 - b. Receive upon written request, at the conclusion of the investigation and appropriate review, a copy of the investigator's report, to the extent permitted by law.
 - c. Present a personal and/or community impact statement regarding potential sanctioning to the review officer(s). A Student Organization Representative may submit one statement on behalf of the Student Organization.
4. Upon completion of the investigation, the investigator will submit to the Director of Community Standards, or designee, a report containing factual findings based on a preponderance of evidence standard, a determination of responsibility (typically, a signed agreement where the respondent has taken responsibility for the allegation(s) and/or violation(s), and a recommendation regarding any disciplinary action that may be appropriate.
5. One or two Administrative Review officers will be assigned to review the report and issue a formal decision regarding sanctioning. The Administrative Review officers will review the respondent's complete educational record, including but not limited to their review the respondent's academic transcript and Community Standards history, if one exists, and any submitted personal and/or community impact statements. The respondent will be notified in writing of the findings and imposed sanctions. The complainant will be notified in writing of any sanction that has a direct impact on them as permitted or required by law.
6. Once the Administrative Review Committee has completed its review on findings and sanctions, the investigator shall send the final report to the Director of Community Standards, or designee. Upon written request, a copy of this report shall be made available to the respondent, and complainant as permitted or required by law.

F. Determination of Facts Relative to an Alleged Violation

1. The standard used in determining whether or not the respondent violated *The Student Code* is a preponderance of the evidence (whether it is more likely than not that a violation occurred).

G. Sanctions

1. If the respondent is found responsible for violating *The Student Code*, appropriate sanctions will be imposed. Sanctions are determined by considering the nature of the misconduct, precedent regarding such misconduct, the respondent's complete educational record (including but not limited to; student's academic transcript, and community incident reports and associated information), respondent's present demeanor, the community impact statements and/or mitigating or aggravating factors. With respect to respondents that are Student Organizations, Community Standards officers will obtain recommendations of and other applicable University departments and offices, which may include, but is not limited to, the Office of Student Involvement & Leadership, the Department of Athletics and Recreation and may also include a review of the Community Standards history of individual members of the Student Organization.
2. Sanctions for violations of the [Sexual Violence Policy](#) (e.g., sexual violence, domestic violence, dating violence, stalking, or hostility based on sexual or gender-based harassment), are described in the [Investigation and Resolution Procedures](#).
3. The University has a special concern for incidents in which persons are mistreated because of race, gender, disability, age, marital status, religion, color, national origin, sexual orientation, gender identity, gender expression, veteran status, genetic information, or other personal characteristic. Such incidents damage not only individuals, but also the free and open academic environment of the University. More severe sanctions are appropriate for such misconduct. Please see the [Equal Opportunity, Diversity and Affirmative Action Plan](#) and the [Investigation and Resolution Procedures](#).
4. Some University policies specify sanctions for violations. See individual policies for sanctions required, if any.
5. A campus department, separate from the Office of Community Standards, may place a restriction on a student or Student Organization found responsible for violating *The Student Code*. Examples include, but are not limited to: Athletics, Office of Student Involvement and Leadership, Residence Life, and the Office of Study Abroad.
6. Sanctions such as University Expulsion, University Suspension, Permanent Residence Hall Suspension or Temporary Residence Hall Suspension may result in the forfeiture of certain monies. Please see the Refund Policy for clarification ([LINK](#)).
7. In addition to other mitigating and aggravating factors considered in connection with imposing sanctions, additional factors may be considered with respect to Student Organizations including, but not limited to:
 - a. The role of leaders and the seniority of the members of the Student Organization involved in the behavior supporting the violation;
 - b. Whether leaders had knowledge of the misconduct before or while it occurred and failed to take corrective action;

- c. The number of members of the Student Organization involved in the behavior supporting the violation and the extent to which members acted in concert in connection with such behavior;
 - d. Whether the leaders of the Student Organization self-reported the behavior underlying the violation;
 - e. The extent to which the Student Organization leaders and members cooperated, responded honestly to questions, and accepted responsibility for the behavior underlying the violation;
 - f. The misconduct involves a violation of the University's [Hazing Policy](#), [Alcohol Policy](#), [Drug Free Policy](#), the [Sexual Violence Policy](#) or the [Equal Opportunity, Diversity and Affirmative Action Plan](#), or violation of law.
8. The following sanctions may be imposed, individually or in various combinations, on any student found to have violated *The Student Code*. Please note that this is not an exhaustive list of sanctions:
- a. **University Expulsion:** Permanent separation of the student from the University. A student who has been expelled is prohibited from participating in any University activity or program. The individual may also not be in or on any University premises. Students found in violation of this restriction, including attempts to enter the lands or buildings of the University will be subject to immediate arrest for trespassing under M.G.L. c. 266, s. 120. Please be aware that the student's academic record will be updated to reflect an expulsion, including any grade change which might be assigned.
 - b. **University Suspension:** University Suspension is a separation from the University for a designated period of time. Students who are suspended from the University are restricted from all University premises and activities, including but not limited to, course registration, class attendance, participation in co-curricular activities and University housing. Students found in violation of this restriction, including attempts to enter the lands or buildings of the University will be subject to immediate arrest for trespassing under M.G.L. c. 266, s. 120, as well as further sanctions from the University. Students who have been separated from the University for a period of time must meet with the Vice President of Student Affairs and Enrollment Management or designee two weeks prior to the next registration period for which the student is eligible to review any outstanding sanctions and the readmission process. Please be aware that the student's academic record will be updated to reflect a suspension, including any grade change which may be assigned.
 - c. **University Probation:** University Probation is a set period of time during which the respondent or student organization is given the opportunity to modify behavior, to complete specific assignments, meet with designated persons, and demonstrate a positive contribution to the University community in an effort to regain privileges within the University community. Please be aware that a responsible finding for any violation(s) of any university policy during the probationary period will be viewed as a violation of probation, and will result in further disciplinary action being imposed, including, but not limited to, University Suspension or University Expulsion. Additionally, as students and organizations which are on University Probation are not considered to be in good disciplinary standing with the University, this may impact their ability to participate in intercollegiate athletics, represent the University, student leadership positions, study

abroad opportunities, extracurricular and/or residence life activities.

- d. **Warning:** A written notice that the respondent has violated University policy or *The Student Code* and a warning that another violation will likely result in more severe sanctions which could include University Probation, Temporary or Permanent Residence Hall Suspension, University Suspension, or University Expulsion or Loss of Recognition with respect to a Student Organization.
- e. **Permanent Residence Hall Suspension:** Permanent separation of the student from the residence halls.
- f. **Temporary Residence Hall Suspension:** Temporary separation of the student from the residence halls for a specific period of time, after which the student may reapply for housing. Reapplication for housing does not guarantee immediate placement. Conditions for returning to the residence halls may be specified.
- g. **Housing Probation:** A period of time during which the respondent will be subject to removal from the residence halls if there is an additional documentation.
- h. **Relocation of Residence:** Required assignment to another residence area.
- i. **Loss of Privileges:** Denial of specified privileges for a designated period of time.
- j. **Restriction:** Denial of access to any campus facility, activity, class or program. This includes No Contact Orders.
- k. **Fines:** Financial sanction.
- l. **Disciplinary Hold:** A hold may be placed on a student's account. This may impact the student's ability to register for classes, obtain certain academic records, or register for housing.
- m. **Restitution:** Compensation for loss, damage or injury. This may take the form of appropriate service or monetary or material replacement.
- n. **Community Restitution Project:** Assignment of an appropriate service project that will benefit the University community, responsible student or others.
- o. **Assessment:** A student may be referred to an appropriate office or local agency for consultation or assessment. These may include Alcohol and Other Drug (AOD) Assessments and Anger Assessments.
- p. **Educational Program/Project:** Participation in a health or safety program (the student may be required to pay a fee); seminar; and other assignments as warranted. Examples include, but are not limited to: BASICS, SALT, written research projects, or reflective essays.
- q. **Revocation of Admission or Degree:** Admission to the University or revocation of a degree awarded from the University may be revoked for fraud, misrepresentation, or another violation of *The Student Code* committed during the course of obtaining the degree or for other serious violations committed by a student after admission or prior to

graduation.

- r. **Withholding Degree:** The University may withhold awarding a degree otherwise earned until the completion of the disciplinary process set forth in *The Student Code*, including the completion of all sanctions imposed, if any.
9. The following sanctions may be imposed upon any Student Organizations found to have violated *The Student Code*. Please note that this is not an exhaustive list of sanctions:
 - a. Those sanctions listed above.
 - b. **Loss of Recognition:** Loss of all University privileges for a designated period of time. Loss of recognition for more than two consecutive semesters requires a Student Organization to reapply for University recognition. Conditions for future recognition may be specified. Students may not continue to participate or associate in a Student Organization or accept further members during any Loss of Recognition.
 - c. **Disciplinary Hold.** A hold may be placed on the Student Organization's ability to use all or specified University privileges.

H. Appeals

1. A decision reached through an Administrative Conference, where the student accepts responsibility and agrees to sanctions, cannot be appealed.
2. A decision reached through the Administrative Review Committee may be appealed by the respondent(s) or complainant(s), when legally appropriate, to an appellate body within five (5) business days of the decision. Only the Student Organization Representative may submit an appeal on behalf of a Student Organization respondent.
3. All appeals shall be submitted through the form found online at: <http://bridgew.edu/maxient/forms>. The appeal form must state the reasons for the appeal and provide information as to the basis of the appeal.
4. Except as required to explain the basis of new information, an appeal shall be limited to a review of the investigation report and review findings. The review shall be limited to the following reasons:
 - a. To determine whether the Administrative Review was conducted in conformity with prescribed procedures giving the complainant and victim a reasonable opportunity to prepare and to present information that *The Student Code* was violated, and giving the respondent a reasonable opportunity to prepare and to present a response to those allegation(s) and/or violation(s).
 - b. To consider new information, sufficient to alter a decision, or other relevant facts not brought out in the original investigation, because such information and/or facts were not known to the person appealing at the time of the investigation.
5. Sanctions are normally placed on hold pending the decision of the appellate body. However, the University reserves the right to maintain the status of any/all sanctions it deems appropriate.

6. If an appeal is upheld by the appellate body, the matter shall either be referred to the original Administrative Review Committee to allow reconsideration of the original determination or the appellate body will determine any change. If an appeal is not upheld, the matter shall be considered final and binding upon all involved.
7. All parties to an appeal will promptly receive simultaneous written notice of the outcome of the appeal.

I. Accommodations for Students with Disabilities

1. A student with a disability who desires an accommodation in regard to an Administrative Conference, Administrative Review, appeal, or probation review meeting must request an accommodation by following the procedure for requesting an accommodation through Disabilities Resource Office. It is the student's responsibility, and not that of a University Official, to request an accommodation. The Disabilities Resource Office will make a determination regarding the request and notify the appropriate parties. A student will not be considered to have a disability unless and until the student registers with the Disabilities Resources Office. Please contact the Disability Resources Office at (508) 531-1214 or by email at Disability_Resources@bridgew.edu for further information.
2. Reasonable accommodations depend upon the nature and degree of severity of the individual's documented disability and the setting for which the accommodations are requested. The University is not required to grant a requested accommodation that is unreasonable, ineffective, an undue burden or substantially alters a University program, service or practice. Reasonable accommodations will be provided as required by law.

Part V: Interim Administrative Action

1. The Vice President of Student Affairs and Enrollment Management, or designee may impose an interim "University Suspension," an interim "Removal from Housing," an interim "Loss of Recognition", and/or other necessary restrictions on a respondent prior to or during an Administrative Review of the respondent's alleged violation. Such action may be taken when, in the professional judgment of a University official, a threat of harm to persons or property exists, or to protect the safety of any person.
2. Interim administrative actions are not sanctions. They are taken in an effort to protect the safety and well-being of the complainant, respondent, other members of the University Community, the University, or property. Interim administrative actions are preliminary in nature; and are in effect only until an Administrative Review has been completed. However, violations of interim administrative actions may result in additional violations and sanctions including University Suspension or University Expulsion or Loss of Recognition.
3. Interim administrative actions imposed by the Vice-President of Student Affairs and Enrollment Management, or designee may remain in effect through the conclusion of the appellate process.

Part VI: Maintenance and Review of Community Standards Files

1. Community Standards files are deemed educational records and are maintained separately from any other academic or official file at the University by the Director of Community Standards or designee. Generally, information from the files is not released without the written consent of the

student. However, certain information may be provided without a student's prior consent to individuals within the University who have a legitimate legal or educational interest in obtaining it, and to individuals outside the University under certain circumstances. (Please refer to the [Family Educational Rights and Privacy Act section of the Student Handbook for further information](#))

2. At the discretion of the University, sanctions of "University Suspension" and "University Expulsion" may be noted on the student's official transcript. A suspension may be noted until graduation or four (4) years following the end of the period of suspension, whichever occurs first. An expulsion may be noted permanently.
3. A Community Standards file is maintained chronologically by incident date and then by respondent. A student may have more than one file. Generally, a Community Standards file, including related documents, will be kept seven (7) years from the date of the incident. The Community Standards file of an expelled student shall be retained indefinitely. Information contained in the incident database is maintained for seven (7) years from the date of the incident.
4. In situations involving both a respondent and another student who believes they were a victim of the respondent's misconduct, the records of the process, if any, will be considered to be the educational records of both students since their educational career and chances of success in the academic community may be impacted. Please note that not all procedural records will be considered to be discipline records.

Part VII: Interpretation and Revision

1. *The Student Code of Conduct* was most recently approved by the President's Cabinet on August 23, 2016.
2. Any questions of interpretation regarding *The Student Code* shall be referred to the Director of Community Standards or designee for determination. The Director of Community Standards or designee's determination is final.
3. *The Student Code* shall be reviewed at least every three (3) years under the direction of the Vice President of Student Affairs and Enrollment Management. Substantive revisions shall be approved by the Cabinet.