

Dean College
Code of Student Conduct
Academic Year 2023 – 2024

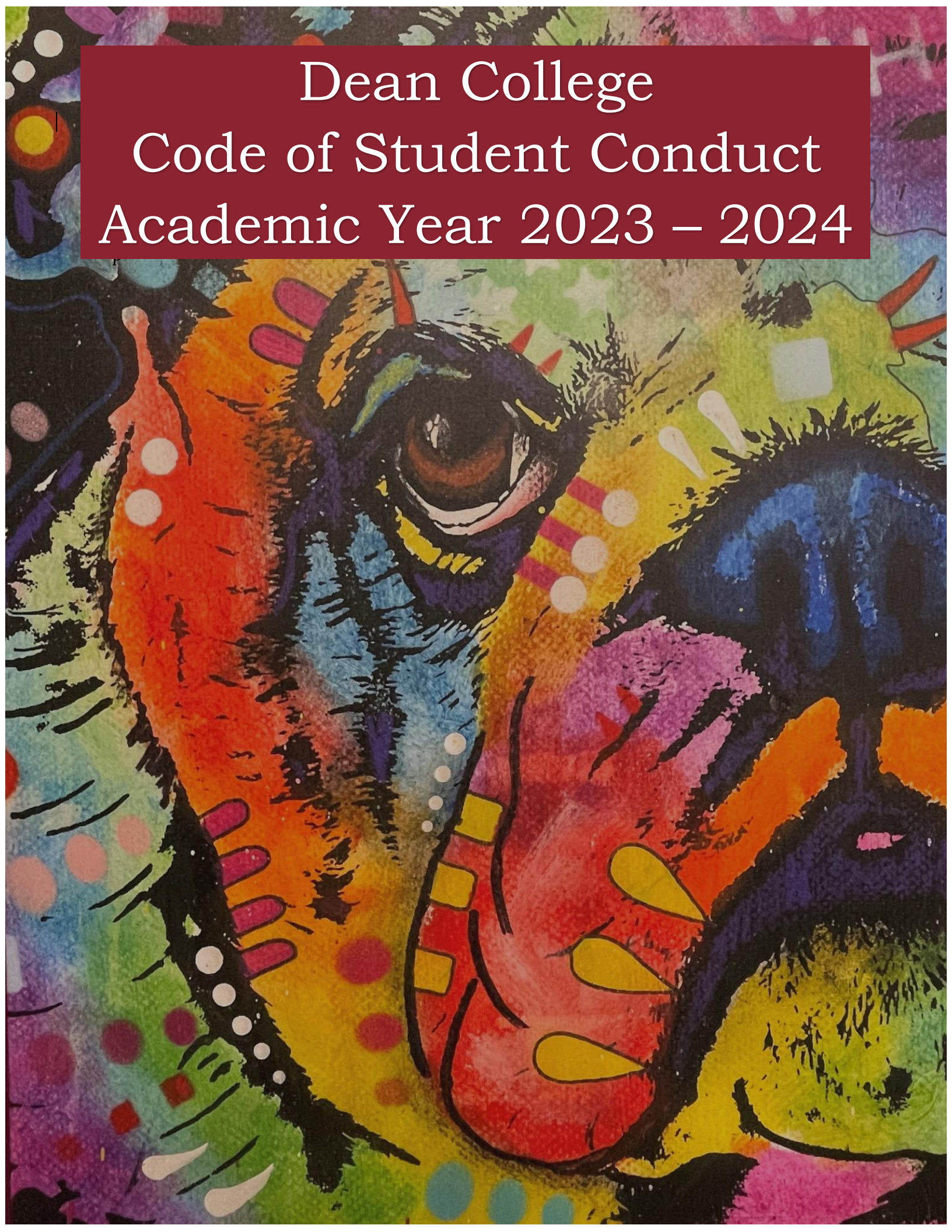


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Forti et Fideli Nihil Difficile
“To the strong and faithful nothing is difficult.”

Introduction

As an active member of the Dean College community, each student is expected to adhere to and support the community core values. Dean requires students to comply with the letter and spirit of the conduct rules set forth in this Code of Student Conduct and to obey all local, state, and federal laws. Students will be held responsible for their actions and must make sure their actions do not interfere with the safety, well-being, or rights of others.

Dean College has the right to make changes to this document at any time. Students are advised to review it periodically throughout each semester that they are enrolled at Dean. Students are provided a copy of the Code of Student Conduct annually in the form of a link on the College’s internal website, as well as their Dean College email and www.dean.edu. Physical copies are available upon request in the Student Conduct & Community Standards Office, Student Center 209.

Mission

Dean College’s Office of Community Standards promotes a living and learning environment, both in and out of the classroom, founded on the values of the Dean College Community:

- 1) Personal Responsibility
- 2) Community Accountability
- 3) Mutual Respect

Through individual interventions and larger community programs, the Office of Community Standards addresses issues that impact the college community and fosters personal growth and development. Our goal is to provide an experience that encourages students to be contributing members of society and educated global citizens.

Student Conduct Authority

The Director of Student Conduct & Community Standards in consultation with the Associate Vice President, Student Life & Dean of Students is vested with authority over student conduct and manages the student conduct process.

The Director of Student Conduct & Community Standards will decide if a complaint or other report of misconduct should be investigated through the student conduct process.

The Director of Student Conduct in consultation with the Associate Vice President, Student Life & Dean of Students, may appoint administrative hearing officers to conduct administrative hearings and appeals, and facilitate student conduct hearing boards. An appeal officer is an administrative hearing officer who did not serve as the hearing officer for the initial hearing.

Jurisdiction

When the Code of Student Conduct Applies

The Code of Student Conduct and the student conduct process apply to the conduct of all students from the first time a student pays their enrollment deposit through the awarding of a degree. This includes behavior that occurs during New Student Orientation, behavior prior to the start of the academic year, during the academic year and during periods between terms of enrollment. The College retains jurisdiction over students who take a leave of absence, withdraw or graduate for any misconduct that occurred prior to the leave, withdrawal, or graduation.

On or Off Campus Behavior

The Code of Student Conduct applies to misconduct that occurs on any property the College owns or controls, or that occurs on other property during or otherwise in connection with any college-sponsored or college-related activities, or that otherwise has an adverse impact on the College community. Further, The Code of Student Conduct applies to misconduct that occurs online, via email, via cell phones or through other electronic means.

Residence Life Housing Agreement

The Residence Life Housing Agreement is an addendum to the Code of Student Conduct. Violations of the Housing Agreement may be processed through the formal conduct procedures at the discretion of the Director of Student Conduct & Community Standards or their designee.

When students are found responsible for violating student conduct policies, they may receive sanctions that impact their housing status, including the termination of their Housing Agreement. The sanctions that may impact a student's housing status include, for example: loss of guest privileges, housing probation, housing re-assignment/relocation, weekend suspension, housing suspension, and loss of housing.

To review the Housing Agreement please visit: <https://www.dean.edu/student-life/living-on-campus/>

Guests

The Code of Student Conduct applies to guests of community members. The host community member(s) will be accountable for the behavior of their guests.

Students with Disabilities

Students are responsible for their behavior regardless of whether the behavior relates to a physical or mental disability. The College will not excuse misconduct as an accommodation for a student's disability. The College, however, will grant reasonable accommodations that are necessary for a disabled student to participate in the student conduct process fully and fairly. To request accommodation, students with a documented disability must provide a timely request to the Director of Student Conduct. The Director of Student Conduct & Community Standards will work with the Coordinator of Disability services to determine what, if any, accommodation will be provided.

Violations of Law; Criminal Investigations

The College cooperates with the enforcement of federal, state, and local laws and may refer a matter to law enforcement authorities for investigation and/or prosecution. A student may be subject to college conduct proceedings at the same time that the student is the subject of criminal investigation or prosecution. The College's conduct process is independent of any criminal proceedings arising from the same conduct. The College is not bound by the outcome of any such proceedings.

Files/Records

Students have the right to inspect and review their own educational records in accordance with FERPA (the Family Educational Rights and Privacy Act). To inspect and review a student's disciplinary record, the student must submit a written request to the Director of Student Conduct & Community Standards. The Director of Student Conduct & Community Standards will notify the student when, where, and how the records may be reviewed by the student.

Generally, the College must have written permission from the student to release any information from the student's education record to any person other than the student. However, student conduct records or information from those records may be shared without a student's written permission in various circumstances, including, for example: disclosure to other school officials who have a legitimate interest in reviewing a disciplinary record in order to fulfill his or her professional responsibilities for the College; disclosure to another institution at which the student seeks or intends to enroll; and disclosure in response to a subpoena or court order. A student may request their conduct record by submitting the Records Request form located on the student portal.

Student Conduct Records will be kept for 7 years following a student's departure from the institution with a few exceptions. If the student received the sanction of Disciplinary Suspension or Dismissal or was involved in a Sexual Misconduct Incident, records will be kept indefinitely.

Academic and Community Standards

Definitions:

Administrative Hearing – a meeting between a student alleged to have committed misconduct and an administrative hearing officer in which information from the incident report and other evidence is shared and the student is given the opportunity to share their perspective and present evidence.

Administrative Hearing Officer – a professional staff member who conducts administrative hearings and appeals and facilitates student conduct hearing boards.

Administrative Hearing Notice – a letter that notifies a student that an incident report has been filed. The notice outlines the alleged policy violations, provides the time/date/location of an administrative hearing or student conduct panel, and provides the name and contact information of the administrative hearing officer or student conduct panel members.

Respondent – a student alleged to have violated the *Code of Student Conduct*.

Appeal Decision Letter – a letter that notifies the student of the appeal officer's decision.

Business Day – Monday through Friday 8:30AM – 5:00PM, with the exception of posted days the College is closed.

Charges – possible violations of the *Code of Student Conduct* that the student is alleged to have committed.

Community Behavior Alert - Community Behavior Warnings may be issued up to once per semester. This low-level warning is issued in lieu of a formal conduct meeting to notify the identified student(s) to cease the behavior that may be negatively impacting their peers.

Conduct database - the electronic database used to track an incident and the response taken.

Designee/College official – the staff or faculty member designated by the Director of Student Conduct & Community Standards to have student conduct responsibilities/oversight.

Outcome/Resolution Letter – the letter which notifies the student of the administrative hearing officer's decision of responsibility and sanctions, if appropriate. Directions on how to appeal a decision are also included.

General Grounds - all land, buildings, facilities, and other property in the possession of or owned, used, or controlled by the College, either solely or in conjunction with another entity.

Guest - a non-student who is an associate or invitee of a student and/or student Organization, team or group.

Incident Report – a written or in person account of an event in which students, faculty, staff, guests or community members are engaged in behavior.

Interim Administrative Action – an action taken when the college must remove or take other action with respect to a student who poses an immediate threat to the health or safety of the community or to a community member prior to a finding of responsibility. Interim Administrative Action is effective immediately. It can include, for example, interim suspension from the College, interim suspension from the residence halls, interim ban from a residence hall or area of campus, and interim forced relocation of a student's residence hall room.

Member of the College community – any staff, faculty, student, authorized guest, vendor or affiliate of Dean College.

Preponderance of evidence standard – the standard of proof used in student conduct and Title IX investigations. The administrative hearing officer or Title IX Investigator will determine if it is “more likely than not” that a student is responsible for violating *The Code of Student Conduct*.

Reporting Party - a person who submits an allegation of a student violating *The Code of Student Conduct*

Sanction – the assigned consequence as a result of a violation of the Code of Student Conduct

Student - any person who was enrolled in (or had submitted an enrollment deposit for) any College course or other program at the time of the conduct at issue.

Student Conduct File/Records – the printed/written/electronic file pertaining to a student's conduct record. This includes but is not limited to; incident report(s), correspondence, witness statements, and student conduct disciplinary history.

Witness – any person with knowledge pertaining to an alleged violation of The Student Code by a student, student organization, group, or team.

Academic Honesty Policy

Honesty in all academic work is expected of every student. At Dean College, students may be sanctioned for acts of intentional academic dishonesty. Specific acts of academic dishonesty include, but are not limited to, cheating, handing in writing by another person, copying and pasting text without citation, and/or knowingly providing work for another student to turn in.

If a faculty member finds that a student has been academically dishonest, the faculty member does the following, ordinarily within five business days of discovery of the incident:

1. determines and administers the appropriate course sanction, including, but not limited to, an official reprimand, a grade sanction on the assignment, and/or an opportunity to revise and resubmit the assignment; and
2. issues a letter to the student documenting the incident, the finding, and the sanction with a copy sent to the Robbins Family Center for Advising & Career Planning and the Office of Academic Affairs.

Students may appeal the faculty member's finding and/or sanction to the Assistant Vice President of Academic Affairs; this request for an appeal must be submitted in writing within five business days of the receipt of the letter from the faculty member and must meet the conditions for an appeal outlined in the Code of Student Conduct. The Assistant Vice President's decision is final.

If a student has been found responsible for academic dishonesty previously, the case will also be referred to the Academic Standards Committee for adjudication and additional sanctions, which may include but are not limited to, failing the course in question, attending a hearing, and/or being suspended from Dean College.

Additional campus-wide consequences for academic dishonesty may include, but are not limited to, loss of eligibility for academic honor societies, loss of eligibility for campus honors and awards, and loss of eligibility for student leadership opportunities.

Community Standards

Alcohol and Other Drugs

Students are expected to comply with all federal, state, and local laws with regards to possession, use and distribution of alcohol, controlled substances, and prescription medications (sometimes referred to Alcohol and Other Drugs or AOD).

Specific violations of the alcohol policy include, but are not limited to:

1. Possession or use of alcohol by a student who is under the age of 21.
2. Providing, serving, and/or distributing alcohol to students who are under the age of 21.
3. Possession of alcohol by a student who is over the age of 21, except in alcohol-approved residence rooms and at college-sponsored activities where alcohol use is approved for those over the age of 21. Open Containers and/or consumption of alcohol in public areas (hallways, bathrooms, lounges, outside) by any student is prohibited.
4. Students of legal drinking age may possess what College Officials determine to be a reasonable quantity of alcohol for their personal consumption only. Residents may not have more than a reasonable amount of alcohol per person assigned to the room. College Officials may consider empty alcohol containers in determining whether this standard has been violated or if they suspect underage drinking and/or excessive alcohol consumption has occurred.
5. Possession of any beverage that is over 80% alcohol by volume.

6. Possession of common source alcohol containers (keg, punch bowl, etc.).
7. Drinking paraphernalia and games: Items that are used or intended for use in connection with any drinking game and/or the promotion of rapid, mass, or otherwise dangerous consumption of alcohol. This includes but is not limited to items such as funnels and tabletops used in conjunction with drinking games. Additionally, using any item as a "trophy" or other recognition for drinking is prohibited. The College reserves the right to immediately and permanently confiscate all drinking paraphernalia and empty bottles.
8. The commercial delivery of alcohol or paraphernalia to Dean College, to individual students and/or student groups. This includes but is not limited to residence halls and/or other buildings.
9. Overconsumption of Alcohol: Intoxication requiring medical and/or staff attention.
10. Driving under the influence of alcohol or possession of alcohol while operating a vehicle is prohibited.

Students are expected to comply with all federal, state, and local laws with regards to controlled substances and the possession and use of all prescription medication.

Specific violations of the drug policy include, but are not limited to:

1. Possession, use or distribution of a controlled substance.
2. Being in the presence of someone possessing, using or distributing a controlled substance.
3. Possession, use or distribution of drug paraphernalia.
4. Misuse or abuse of prescription drugs.

Despite the adoption of marijuana legislation in Massachusetts, the possession, cultivation, and use of marijuana remains illegal under federal law, and permitting its use at Dean College would violate the Drug-Free Schools and Communities Act. Marijuana possession and use are not allowed on the Dean College campus, even with a valid prescription.

Anyone who violates this Policy accepts responsibility for that violation and for any related conduct. Intoxication is not an excuse for illegal, irresponsible, or violent behavior.

Campus Police and Safety may contact local police authorities if evidence of illegal drugs is discovered on campus. Violators will be subject to both Massachusetts state law and the College sanction process.

Massachusetts imposes criminal penalties concerning the use and possession of drugs, varying with the type of drug. It is a student's responsibility to know and understand the local, state, and federal laws pertaining to Alcohol and Other Drugs. For questions about these laws, please contact Dean College Campus Police and Safety.

"Complicity" Violations

- a) Encouraging or assisting another person in violating or attempting to violate the Code of Student Conduct.
- b) Failing to report conduct violations by other students, especially violations that impact the health and/or safety of a person.
- c) Being present during an incident which threatens the health or safety of a community member or in which a misdemeanor or felony violation of law occurs.
- d) Knowingly making a false report or claim; misrepresenting information about oneself or others; knowingly providing false evidence.
- e) Engaging in any form of dishonesty, including cheating, plagiarism, fraud, fabrications or assisting others to do so.

- f) Abusing the Office of Student Conduct and/or Dean of Student's Office. This includes, but is not limited to:
- a. Persistent, non-essential communication with hearing officers, investigators, conduct advisors, etc.
 - b. Using any office for routine mediation or conflict resolution and/or not utilizing the resources offered to resolve a conflict.

Copyright Infringement

Unauthorized use or distribution of copyrighted material, including unauthorized peer-to-peer file sharing, may subject students to civil and criminal liabilities. The penalties for violation of Federal copyright laws are summarized as follows.

If there is infringement, Section 504 of the U.S. Copyright Act gives the copyright holder the choice of recovering the following:

- The copyright owner's actual damages and any profits of the infringer or statutory damages, ranging from \$750 to \$30,000 for each copyrighted work that is infringed.
- If the copyright holder can prove that the infringement was committed "willfully," a court has the discretion to increase statutory damages to \$150,000 per copyrighted work.
- Generally, to qualify for statutory damages, the copyright holder must have registered the infringed work with the U.S. Copyright Office prior to the date of the infringement. If the work was not previously registered, then the copyright holder can only recover actual damages and the infringer's profits.

If the work was registered with the U.S. Copyright Office prior to the infringement, Section 505 of the Copyright Act also gives a court the discretion to award reasonable attorney's fees and court costs to the copyright holder.

Sections 502 and 503 of the Copyright Act detail other civil remedies, including a court order barring the infringer from making further copies and an order to seize and destroy unauthorized copies.

Section 506 of the Copyright Act and Section 2319 of Title 18 of the United States Code authorize criminal liability for willfully infringing copyright under the following circumstances:

- If the willful infringement was for purposes of commercial advantage or private financial gain;
- If the willful infringement involved the reproduction or distribution during any 180-day period of one or more copies of one or more copyrighted works that have a total retail value that exceeds \$1,000; or
- If the willful infringement involved the distribution of a work being prepared for commercial distribution, by making it available on a computer network accessible to members of the public, if the infringer knew or should have known that the work was intended for commercial distribution.

Criminal penalties can include fines as well as imprisonment for up to five years. Imprisonment can be for up to ten years for a second or subsequent offense.

Downloading & P2P File Sharing

Dean College strictly prohibits the unauthorized downloading or sharing of copyrighted material. Peer-to-peer (P2P) file sharing occurs when digital files are transferred between "peer" computers over the Internet using services such as LimeWire (no longer in existence), or Gnutella.

In compliance with the **Higher Education Opportunity Act of 2008** (HEOA), unauthorized peer to peer file sharing may subject students to civil and criminal liabilities. Furthermore, unlawful use or distribution

of copyrighted material may result to sanctions imposed by the College.

The HEOA requires all colleges and universities to offer legal alternatives to unauthorized downloading. **Educause** provides a list of these legal alternatives. The products or services listed are in no way endorsed or evaluated by Dean College.

Unauthorized Recording

No audio or video recording of classes, meetings or events is permitted, except with the express permission of a person authorized to grant that permission. Legal and/or disciplinary actions may be taken for any violation of this rule. The unauthorized audio recording of another person also is a violation of Massachusetts law. A person shall have a right against unreasonable, substantial or serious interference with their privacy.

Damage to Property and Theft

It is a violation of college policy to take the property of another without permission or to damage the property of another person or the College willfully or negligently.

Harassment

It is a violation of college policy to harass any person or group of persons. Harassment consists of unwelcome behavior (physical, verbal, or otherwise) directed at a person or group of persons which is sufficiently severe, persistent or pervasive that it has the effect of interfering with a person's employment, education or student life experience at the College.

Disorderly Conduct

Regardless of intent, acts which

- a) Breach the peace of the community,
- b) Disrupt the traditional academic activities and environment of the Dean College community,
- c) Infringe upon the rights of others,
- d) Interfere with the freedom of expression of others on Dean College property or at College sponsored activities.

Failure to Abide by College Policy

Students must abide by all posted and published College policies. In addition to the items noted in this document, this includes but is not limited to;

- a) Housing Agreement
<https://www.dean.edu/student-life/living-on-campus/>
- b) Parking Policy
<https://www.dean.edu/student-life/campus-safety/parking/>

Failure to Comply with the Request or Directive of College Officials

Students are expected to comply with the request or directive of college faculty, staff and student staff who are acting in accordance with their roles. This policy also includes, for example, failing to identify oneself, interfering with directives from college officials, and failure to complete assigned sanctions. This also covers inappropriate communication with personnel and community members, which includes disrespectful language or gestures and/or general non-cooperation.

Fire Safety

Fire Safety and prevention is a responsibility for all members of the Dean College community. Fire safety violations are listed below. Students and their guests are expected to review additional policies in the Residence Life Housing Agreement that pertain to fire safety in the residence halls.

- a) Setting of a fire
- b) Causing fire alarms when no fire is present
- c) Interfering with the proper functioning of the fire alarm system/smoke detectors
- d) Tampering with, discharging or removing fire extinguishers.
- e) Blocking direct egresses from rooms, hallways, or stairwells
- f) Possession of flammable fuels on Dean College property or at College sponsored activities
- g) Burning candles or incense in any Dean College building
- h) Possession of prohibited items listed in the Housing Agreement under Fire Safety
- i) Failure to evacuate during the sounding of a fire alarm

Continued mistreatment of fire systems/ initiating the alarm may result in fines, community restitution, or other sanctions.

Gambling

Placing a wager on the outcome of any Dean College-affiliated activity. This includes wagering on any athletic activities including “fantasy” sports leagues or events. Please note, students are responsible for knowing and understanding the Massachusetts laws and regulations pertaining to mobile sports betting.

Hazing Policy

All forms of hazing are prohibited at Dean College. Dean College defines hazing to include any activity expected of someone joining or participating in a group that humiliates, degrades, abuses, or endangers the physical or mental health of a person regardless of the person’s willingness to participate. Students and community members are obligated to report hazing to the Director of Student Conduct & Community Standards, Campus Safety, Residence Life or Dean of Students if they witness or otherwise become aware of such behavior.

Dean College adheres to and enforces Massachusetts General Law Chapter 269, sections 17-19, which prohibit hazing. Students, student organizations, teams or groups who fail to comply with this policy and state law will be investigated and sanctioned through the Code of Student Conduct and face criminal charges.

In compliance with Massachusetts state law, Dean College issues a copy of the Massachusetts anti-hazing statute to the leadership of every registered student organization and team. Any questions about the Dean College anti-hazing policy should be directed to the Director of Student Conduct & Community Standards.

Prohibited conduct may include but is not limited to the following:

1. Behavior that emphasizes a power imbalance between members of an organization, group or team. This form of hazing involves activities or attitudes that breach reasonable standards of mutual respect and includes ridicule, embarrassment, humiliation, or demeaning tactics.
2. Behavior that causes physiological or physical discomfort and/or harm connected to participation in an organization, team or group.

Some strategies to tell if an activity is hazing:

1. A selected group is singled out for ritual or new member initiation.

2. Photos or videos were taken that you would not share with your parents, coach, professors or athletic director due to their nature.
3. The activity is humiliating, demeaning, intimidating, exhausting, results in physical or emotional harm, or endangers the health or safety of any person whether on or off campus.

Massachusetts State Law

The Massachusetts anti-hazing law, M.G.L c. 269, Sections 17-19, is as follows:

Section 17:

- a) Whoever is a principal organizer or participant in the crime of hazing, as defined herein, shall be punished by a fine of not more than three thousand dollars or by imprisonment in a house of correction for not more than one year, or both such fine and imprisonment."
- b) "The term 'hazing' as used in this section and in sections eighteen and nineteen, shall mean any conduct or method of initiation into any student organization, whether on public or private property, which willfully or recklessly endangers the physical or mental health of any student or other person. Such conduct shall include whipping, beating, branding, forced calisthenics, exposure to the weather, forced consumption of any food, liquor, beverage, drug or other substance, or any other brutal treatment or forced physical activity which is likely to adversely affect the physical health or safety of any such student or other person, or which subjects such student or other person to extreme mental stress, including extended deprivation of sleep or rest or extended isolation." "Notwithstanding any other provision of this section to the contrary, consent shall not be available as a defense to any prosecution under this action."

Section 18:

- a) Whoever knows that another person is the victim of hazing as defined in section seventeen and is at the scene of such crime shall, to the extent that such person can do so without danger or peril to himself or others, report such crime to an appropriate law enforcement official as soon as reasonably practicable. Whoever fails to report such crime shall be punished by a fine of not more than one thousand dollars."

Section 19:

- a) Each institution of secondary education and each public and private institution of post-secondary education shall issue to every student group, student team or student organization which is part of such institution or is recognized by the institution or permitted by the institution to use its name or facilities or is known by the institution to exist as an unaffiliated student group, student team or student organization, a copy of this section and sections seventeen and eighteen; provided, however, that an institution's compliance with this section's requirements that an institution issue copies of this section and sections seventeen and eighteen to unaffiliated student groups, teams or organizations shall not constitute evidence of the institution's recognition or endorsement of said unaffiliated student groups, teams or organizations."
- b) Each such group, team or organization shall distribute a copy of this section and sections seventeen and eighteen to each of its members, plebes, pledges or applicants for membership. It shall be the duty of each such group, team or organization, acting through its designated officer, to deliver annually to the institution an attested acknowledgment stating that such group, team or organization has received a copy of this section and said sections seventeen and eighteen, and that such group, team or organization understands and agrees to comply with the provisions of this section and sections seventeen and eighteen."

- c) Each institution of secondary education and each public or private institution of post-secondary education shall, at least annually, before or at the start of enrollment, deliver to each person who enrolls as a full-time student in such institution a copy of this section and sections seventeen and eighteen.
- d) Each institution of secondary education and each public or private institution of post-secondary education shall file, at least annually, a report with the regents of higher education and in the case of secondary institutions, the board of education, certifying that such institution has complied with its responsibility to inform student groups, teams or organizations and to notify each full time student enrolled by it of the provisions of this section and sections seventeen and eighteen and also certifying that said institution has adopted a disciplinary policy with regard to the organizers and participants of hazing and that such policy has been set forth with appropriate emphasis in the student handbook or similar means of communicating the institutions' policies to its students. The board of regents and, in the case of secondary institutions, the board of education shall promulgate regulations governing the content and frequency of such reports, and shall forthwith report to the attorney general any such institution which fails to make such report.

Retaliation

Retaliation is any material adverse action taken by or on behalf of a respondent against a person who in good faith reported a conduct violation, participated in an investigation of an alleged violation, or supported a victim of a conduct violation.

Sexual Exploitation

Taking non-consensual or abusive advantage of another person's sexuality, including without limitation invading someone's sexual privacy; obtaining or distributing images or audio of sexual activity, intimate body parts or nudity without consent; allowing another person to observe or listen to sexual activities without consent; and voyeurism.

Sexual Misconduct Policy

Dean College prohibits sexual misconduct in any form. Any form of violence, intimidation, abuse, exploitation, or harassment based on gender or sexual preference is contrary to the ideals of Dean and may jeopardize a community member's ability to learn, work, or otherwise participate in the life of the College.

Sexual Misconduct includes all forms of inappropriate physical, verbal or other behavior on the basis of sex or gender, including without limitation rape, sexual assault, sexual harassment, sexual exploitation, relationship violence and stalking. Please see the College's Sexual Misconduct Policy & Procedures.

Smoking

The College has adopted the following policy for all full and part-time students, full and part-time faculty and staff, vendors, campus visitors, and facility users. The use of tobacco, marijuana, and/or smoking products on campus is prohibited anywhere inside the College's facilities and on the campus grounds, with the sole exception of tobacco smoking in the designated areas listed below. This prohibition includes all College owned property and areas, including sidewalks and streets adjacent to campus, buildings, grounds, and vehicles on college property. This policy includes all tobacco and marijuana products including but not limited to: cigarettes, cigars, pipes, chewing tobacco, edibles, and any other item used for the consumption of tobacco or marijuana products. Additionally, all other smoking products are prohibited as well including but not limited to: water pipes (Hookah), devices used for vaping, Juuls, e-cigarettes and any other device used to consume smoking products.

Cigarettes and cigars containing tobacco only (not marijuana or other substances) may be used only in the following Designated Smoking Areas:

- Picnic table area adjacent to Jones Hall;
- Picnic table area at the corner of the Dean parking lot;
- Picnic table area between Adams Hall, Horne Hall & Mitchell House;
- Smoke stack at the end of the ramp at Franklin Commons;
- The designated seating area outside the Campus Center behind Woodward Hall.

Violations of this policy may result in sanctions from the College. Smoking indoors is a fire safety hazard and may result in sanctions including suspension or dismissal from the College.

Stalking

Stalking is persistent behavior directed towards another person, which would cause a reasonable person to experience substantial emotional distress or fear for their safety or the safety of others.

Theft

Willfully taking the property of another person or the property of the College without permission.

Threatening or Harming Behavior

Behavior that causes or threatens to cause physical or detrimental emotional harm to another person or harm to their property.

Unauthorized Entry or Access

- a) Attempted or actual unauthorized entry or presence in buildings, property or electronic records. This also includes propping of doors and/or other egress.
- b) Possession of identification that does not belong to a student or duplicating forms of identification and keys.
- c) Distributing identification to others which allows for unauthorized entry or presence into buildings, property or electronic records.
- d) Using fire safety exits outside of emergencies.

Violation of Law or Legal Rights

Conduct that would violate federal, state, or local law or that would violate the legal rights of others.

Weapons

The College prohibits students from possessing any firearm or ammunition, pepper spray/mace regardless of concentration, more than one knife permitted under the state statute, or any weapon that is prohibited by Massachusetts General Laws. More information may be found on the Massachusetts Government website: <https://www.mass.gov/info-details/massachusetts-law-about-guns-and-other-weapons>.

Public Health Emergencies

In the event of a public health emergency, students will be expected to comply with all notices and guidelines established by the College to mitigate the risk. Such public health emergencies can include, for example, exposure to and/or risk of infectious disease. Students will be notified via their Dean College email address, Student Portal, and/or distributed marketing materials around the campus.

Student Conduct Process and Procedures

Reporting an Incident

Any person may report an alleged violation of the Code of Conduct by a student or student organization. Reports may be made in writing or verbally to the Director of Student Conduct & Community Standards. (Throughout this policy, any reference to the Director means the Director, their designee(s), or any person authorized to act on their behalf.)

The College has the right to pursue a possible violation of the Code of Conduct on its own behalf and have the incident adjudicated through the student conduct process.

The Director of Student Conduct & Community Standards will determine if a report should be investigated through the student conduct process. When a report is received, the Director of Student Conduct & Community Standards will assign an administrative hearing officer or student conduct panel to investigate the report, facilitate an administrative hearing, and determine responsibility and/or sanctions.

Interim Administrative Action

In situations where a student poses an immediate threat to the health or safety of the community or to a community member, the Director of Student Conduct & Community Standards may take interim administrative action prior to a finding of responsibility. Any interim administrative action will be based on an individualized safety and risk analysis.

Interim administrative action may include any action appropriate under the circumstances, including, for example:

- a) Interim Suspension from the College
 - Students are required to vacate Dean College premises immediately and are not permitted to return unless they receive expressed permission from the Director of Student Conduct & Community Standards. This means the student is denied access to all College activities or privileges for which they might be otherwise eligible. This includes but is not limited to, attending class, living in the residence halls or participating in athletics. Students will be required to turn in their residence hall room key and access ID card during the interim administrative action.
- b) Interim Suspension from the Residence Halls
 - Residential students are required to immediately vacate the residence halls and are not permitted to return or visit unless they receive expressed permission from the Director. Students will be required to turn in their residence hall room key during the interim administrative action.
- c) Interim Ban from a residence hall or area of campus
 - Students are banned from visiting a designated residence hall or residential area, as indicated by the Director.
- d) Interim Relocation of a Student's Residence Hall room
 - Students are immediately required to relocate to a new room or residence hall as indicated by the Director. Students will be required to turn in their room key and will be issued a new key and their access will be changed.

Failure to comply with interim administrative action may result in a failure to comply charge and immediate permanent suspension or dismissal from the College and/or arrest for trespassing.

[Amnesty Policy/Procedures](#)

This policy provides amnesty from the student conduct process for alcohol and other drugs violations at Dean College but does not grant amnesty for criminal, civil or legal consequences for violations of federal, state or local law.

The College encourages students to seek medical attention for themselves or others when someone's health or safety is at risk. Students may be reluctant to seek assistance for themselves or others for fear of receiving disciplinary sanctions through the Code of Student Conduct.

Therefore, in the following situations, the Director of Student Conduct & Community Standards will issue amnesty from Code of Student Conduct violations to students who seek medical attention for themselves or others.

- a) Students who seek emergency medical attention for themselves or someone else related to the consumption of alcohol or drugs, provided that the student has an educational meeting or completes an educational remedy that addresses the healthy use of alcohol or other drugs.
- b) Students who report incidents of Sexual Misconduct may be granted amnesty from student conduct charges related to alcohol or other drug use or possession during the reported incident. (Please review the Title IX Policies and Procedures.)

The amnesty policy will not apply when students are found to possess, use, distribute or administer alcohol or other drugs for the purpose of financial gain or to harm others. This policy does not apply to students in an alcohol or drug related incident whose involvement in the incident is reported to or discovered by a Dean employee before or separate from the request for medical attention. The amnesty policy is not intended to shield or protect those students who repeatedly violate alcohol and other drug policies. The College reserves the right to adjudicate on a case-by-case basis, regardless of the manner in which the incident was reported.

[Educational Meeting](#)

An educational meeting is an informal resolution opportunity in which a student meets with a staff member to informally discuss an incident and determine solutions. The Director of Student Conduct & Community Standards will make the determination if an incident should be resolved with an educational meeting. Violations of local, state or federal law ordinarily will not be resolved through an educational meeting. An educational meeting is not considered part of a student's disciplinary history.

[Community Behavior Warning Letter](#)

Community Behavior Warnings may be issued up to once per semester. This low-level warning is issued in lieu of a formal conduct meeting to notify the identified student(s) to cease the behavior(s) that may be negatively impacting their peers.

[Administrative Hearing](#)

Most incident reports that allege a policy violation will be adjudicated in an administrative hearing. An administrative hearing is an independent meeting between individuals involved and an administrative hearing officer. In most circumstances, separate administrative hearings will be scheduled for each

student allegedly involved in an incident; however, hearing officers retain the right to host a group meeting, as necessary. Occasionally there may be two or more administrative hearing officers adjudicating one incident. This will be determined by the Director of Student Conduct & Community Standards on a case-by-case basis.

When allegations of misconduct result in an administrative hearing, the administrative hearing officer assigned to the case will issue a Hearing Notice to the respondent via their Dean College email. The email communication will notify the student of the nature of the alleged misconduct and of the date, time, and location of the hearing. It is the student's responsibility to periodically check their email as it is the official means of communication from the College. Failing to check email is not an appropriate reason to miss or postpone a scheduled hearing. In most circumstances, the administrative hearing officer will schedule the hearing around class times. If there is another academic commitment that conflicts with the scheduled hearing, it is the student's responsibility promptly to notify the administrative hearing officer. Athletic, club/organization events or other involvement opportunities are not sufficient reasons to miss or reschedule a hearing.

The administrative hearing is an opportunity for the administrative hearing officer to share information from the report, ask questions to collect information, explain the student conduct process, and review possible outcomes. The administrative hearing is also an opportunity for the alleged student to hear the information from the initial report, explain their perspective of involvement in the incident, present evidence (including the perspectives of event witnesses) and ask questions related to the incident or student conduct process to the administrative hearing officer.

Both the accused student and the reporting student have the right to be assisted by an advisor of their choice at the administrative hearing. The advisor may not be a current student at the College. The advisor is not permitted to speak on the student's behalf but may reasonably consult with the student during the administrative hearing.

Following an administrative hearing, the administrative hearing officer may decide to pursue additional evidence as a result of the information shared during the administrative hearings. If additional information is collected, the alleged student will have an opportunity to respond to the new evidence.

Decision of Responsibility

In all student conduct proceedings, after weighing the evidence collected, the administrative hearing officer will use the preponderance of evidence standard to determine if an alleged student is responsible for violating a policy within the Code of Student Conduct. This means that the administrative hearing officer will determine whether it is more likely than not that a violation occurred.

The administrative hearing officer will determine if the student;

1. acknowledged responsibility;
2. is being found responsible; OR
3. is not responsible for violating the Code of Student Conduct policies.

The respondent will receive the administrative hearing officer's decision in the form of an electronic letter (Resolution Letter) emailed from the conduct database to a student's College email address.

Application of Sanctions

If students acknowledge responsibility or are found responsible for violating the Code of Student Conduct, sanctions will be issued by the administrative hearing officer. Sanctions will be included in the

Resolution Letter that is emailed to a student after their administrative hearing or student conduct panel. The Resolution Letter will include instructions on how to complete the sanction and the deadline for completion, if applicable. Sanctions are intended to serve many purposes. Primarily sanctions are intended to be educational, encourage personal reflection, and motivate students to become involved in the College community positively. In cases in which a student has repeatedly violated college policy or has engaged in a single behavior that is severe and/or has a serious impact on a member of the College community, sanctions may be punitive in nature. Educational, reflective, and punitive sanctions are intended to help students understand the impact of their decisions and encourage students to stop making decisions that negatively impact their own progress, the experience of other community members, and/or the College learning environment.

When considering possible sanctions, the administrative hearing officer will consider any relevant factors including, for example, the severity of behavior, impact of the behavior on the College community, intent of the responsible student at the time of the incident and relevant disciplinary history (if the student has been responsible previously for violating College policy). Additionally, the administrative hearing officer will consider if the student found responsible for one or more of the charges, has been truthful regarding their behavior and has demonstrated awareness of the behavior's severity and impact on the College community. Sanctions will be determined separately for each student involved, which may result in students involved in the same incident being assigned different sanctions.

The following sanctions, among others, may be imposed as a result of a student being responsible for violating the Code of Student Conduct. While these are the most commonly applied sanctions, other sanctions not listed may be assigned by administrative hearing officers.

Sanctions

Sanctions may include, but are not limited to:

1. Written Warning: a written record on a student's disciplinary file warning that student that any additional behavior which violates the Code of Student Conduct will result in more serious sanctions.
2. Educational Course/Program: an assignment designed to encourage students to learn about a particular issue connected to the violation or their progress as a student at the College. This may include but is not limited to: writing a reflective or research paper, completing an online course, interviewing a faculty/staff member, attending a campus event, or designing educational materials for other students.
3. Counseling Assessment: a referral to counseling services to address concerning behavior. All confidential information shared in counseling services will not be shared with the administrative hearing officer. Counseling services generally will share only whether a student has fulfilled this sanction.
4. Restitution/Fines: Compensation/penalties for vandalism, theft, or other harm to property.
5. Campus Service: Required work to serve a campus office, department, or community agency.
6. Community Behavior Warning: This automated low-level warning is issued in lieu of a formal conduct meeting to notify the identified student(s) to cease the behavior that may be negatively impacting their peers.
7. Restriction of Privileges: temporary or permanent loss of student privileges. This may include, but is not limited to: guest privileges, visitation in other residence halls, loss of attendance at a social event, motor vehicle privileges, or use of campus facilities.
8. Sanction of Deferment: A tiered status provided to students if/when a student is about to reach a level of removal from privileges or campus entirely (i.e., deferred probation, deferred housing relocation, deferred suspension, etc.).

9. Housing Probation: A status for the indicated time, which indicates that if a student engages in any further violations, the student will likely be removed from the residence halls.
10. Disciplinary Probation: A status for the indicated time period, which indicates that a student is not in good disciplinary standing with the College. It also indicates that if a student engages in any further violations, they will likely face suspension or removal from the residence halls or College.
11. Weekend Suspension: A period in which a student is not permitted to be on Dean College's campus or participate in any campus activities for the weekend.
12. Housing Reassignment/Relocation: A required reassignment of one's housing accommodations without the opportunity to select the new placement.
13. Housing Suspension: For the designated period, the student is not permitted to live in campus housing. A student also is not permitted to visit the residence halls during the suspension for any reason.
14. Loss of Housing: The student has permanently lost the privilege to live in campus housing. A student also is not permitted to visit the residence halls during the suspension for any reason.
15. Suspension: A separation from the College for a period of time during which the student is not permitted to be on Dean College's campus, participate in any campus activities, visit the campus for any reason, or use any facilities. Suspension is typically issued for the remainder of a semester, for a subsequent semester, or for multiple semesters.
16. Dismissal: A permanent separation from the College and prohibition from visiting the campus for any reason.

Failure to Comply with Sanctions

Students who do not complete sanctions by their required deadline may be charged with a distinct and separate violation of the Code of Student Conduct for failing to comply with sanctions. This may result in additional, more serious sanctions, including for example loss of housing and/or suspension from the College. For educational sanctions, failure to complete may result in a punitive fine being added to the student's financial account with the College. This fine may be applied once for each incomplete sanction.

Appeal

After a decision of responsibility has been made and sanctions have been assigned, a student has one opportunity to appeal the decision of responsibility and/or sanctions issued by an administrative hearing officer. To appeal, students must respond to the finding letter within 5 business days by completing the online Appeal request form. Students will find a link in the finding letter directing them to an online form. (The Appeal form can be found here:

https://cm.maxient.com/reportingform.php?DeanCollege&layout_id=3).

Students may appeal on one or more of the following grounds:

1. A violation of College conduct procedures which materially affected the outcome of the case
2. New evidence that was not reasonably available at the time of the hearing and the consideration of which would materially affect the outcome of the case
3. Improper or excessive sanction

In the request to appeal form, students must provide specific information to support the grounds of their appeal. The appeal officer will thoroughly review the information provided in the electronic appeal request form and the case documents. The Appeal Officer may request additional information if needed (such as a meeting with the student).

The Director of Student Conduct & Community Standards will designate an appeal officer for cases heard by other administrative hearing officers. The Assistant Vice President, Student Life & Dean of Students,

will designate an appeal officer for cases heard by the Director of Student Conduct & Community Standards.

The appeal officer will review the request for appeal and determine whether sufficient grounds for appeal exist. While an appeal is being reviewed, the original sanctions imposed are still in effect until an appeal decision has been made, including suspension or removal from housing or the College. In the majority of cases, the appeal officer will respond within 5 business days upon receipt of the appeal. The appeal officer may affirm the original finding or sanction in whole or in part, reverse the original finding or sanction in whole or in part, impose a new finding or sanction, or remand the matter in whole or in part for further proceedings. Students will be notified of the outcome of an appeal via an electronic letter delivered to their college email address through the conduct database.

Sexual Misconduct Policy and Procedures

Dean College prohibits sexual misconduct in any form. Any form of violence, intimidation, abuse, exploitation or harassment based on sex, gender identity or sexual preference is contrary to the ideals of Dean and may jeopardize a community member's ability to learn, work, or otherwise participate in the life of the College.

Dean College strongly encourages all members of the community to take action, seek support and report incidents of sexual misconduct. If the College becomes aware of alleged sexual misconduct that impacts one or more members of the College community, the College will investigate the matter and, where misconduct is found to have occurred, it will take action to end the behavior, eliminate any hostile environment, remedy its effects, and prevent its recurrence. The College will do so whether the perpetrator of the misconduct is a student, employee, guest, vendor or other third party.

For purposes of investigating and adjudicating allegations of misconduct, Sexual Misconduct has two categories:

- a. Title IX Policy Violations.
- b. Non-Title IX Policy Violations

Each of these categories has its own investigation and hearing model. Complete process details and contact information for supporting staff may be found at www.dean.edu/titleix.

Title IX Policy Violations include the following conduct, if it occurs in connection with the College's educational programs or activities and in the United States:

- a. Sexual Harassment in which an employee of the College conditions the provision of an aid, benefit or service of the College on an individual's participation in unwelcome sexual conduct (quid pro quo harassment).
- b. Sexual Harassment involving unwelcome conduct that a reasonable person would determine to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the College's education program or activity (hostile environment harassment).
- c. Sexual Assault, dating violence, domestic violence or stalking as those terms are defined under the Clery Act or the Violence Against Women Act.

Non-Title IX Policy Violations comprise any Sexual Misconduct that is not a Title IX Policy Violation.

All students, staff, and faculty at Dean College are responsible for adhering to the College's policy on Sexual Misconduct.

The Title IX Coordinator will oversee the College's response to alleged Sexual Misconduct Violations (Title IX and Non-Title IX) and ensure that appropriate resources are available to students and employees involved.

If a Title IX Sexual Misconduct Investigation occurs, and the student is also charged with a non-Title IX policy violations arising from the same incident, the charges will be adjudicated together in accordance with the Title IX procedures.

Campus Demonstrations Policy

There may be times that students wish to publicly demonstrate on campus. Demonstrations may be held on campus so long as they do not disrupt the normal/proper operation of the College. Specifically, disruptions will include activities which:

1. Interfere with the rights of students, faculty, staff or guests of the College;
2. Disrupt or obstruct educational and other activities of the College;
3. Obstruct or restrict free movement of persons on any part of the College campus;
4. Interfere with the proper use of offices or other facilities by students, faculty, trustees, staff or guests of the College;
5. Endanger the safety of any person at the College; and,
6. Threaten or result in the destruction of property.

Groups or individuals who wish to participate in demonstrations must submit advanced notice to the Associate Dean of Students, Shannon Overcash (sovercash@dean.edu). The request must include the proposed date time, and location of the event as well as indicate an approximate attendance of guests at the event.

The College will insist that all planned demonstrations be peaceful and orderly, carried out in accordance with these guidelines and in areas other than faculty and administrative offices, classrooms, libraries and study rooms. Students who violate these guidelines will be subject to disciplinary action.

Remote Learning and Meeting Policies

Learning at Dean College takes place not only in the classroom in-person but also remotely. In order to provide the best opportunity for learning and instruction, students will need to abide by the following policies when engaging in remote activities related to Dean College:

1. When logging into sessions, use your first and last name. Do not use any nicknames, usernames or pseudonyms.
2. Keep your microphone muted unless contributing to the discussion, presenting, or asking questions.
3. Use appropriate message etiquette.
 - a. No use of offensive language or images in background images or chat functions.
 - b. Do not use informal text/chat language.
 - c. Use standard fonts and black font color.
 - d. Do not use all caps when typing.
4. Do not make any disrespectful, derogatory, or offensive posts to other Dean Community Members (i.e., students, faculty, and staff).

5. Follow all classroom policies.
6. Follow all policies outlined in the Code of Student Conduct.

Any inappropriate actions that occur during Dean College virtual programs are subject to be addressed via the Code of Student Conduct.

Traffic and Parking Policies

Parking on the Dean College campus is a privilege extended to members of the Dean community who have registered their vehicles with the Dean College Office of Campus Safety. Students are responsible for knowing and understanding the motor vehicle policies as outlined in the Traffic and Parking Policies. More information about Parking at Dean College may be found here: <https://www.dean.edu/student-life/campus-safety/parking/>. Questions about these policies should be addressed with Campus Police.

Video Monitoring & Recording

The College uses video cameras to monitor and/or record activity at various locations on and around College property. The College does so in order to enhance the safety and security of students, staff and other members of the College community, as well as the safety and security of College property. The College also reserves the right to employ video monitoring and recording for any other lawful purpose.

Some of the video cameras that the College uses will be open and obvious, but others will not. The College reserves the right to employ covert video cameras or other equipment at such times and places as it deems appropriate under the circumstances.

Any questions concerning the College's use of video monitoring or recording should be directed to the Assistant Vice President for Law Enforcement Services and Risk Management.