

Code of Student Conduct

Dean College

Academic Year

2021 – 2022



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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. Once the document is updated on Today@Dean, those changes are in effect.

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 Assistant 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 make a determination if a complaint or other report of misconduct has merit and should be investigated through the student conduct process.

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

Conduct panel members are enrolled students who are in good disciplinary standing with the College. Conduct panel members receive on-going training throughout the semester. Conduct panel members are appointed by the Director of Student Conduct & Community Standards or his/her designee. The Panel Member Chair is a general Panel Member who is selected by the Staff Advisor to lead a particular panel hearing. The Staff Advisor is an administrative hearing officer, appointed by the Director of Student Conduct & Community Standards, who oversees the conduct panel process.

Jurisdiction

Students are provided a copy of the Code of Student Conduct annually in the form of a link on the College internal website, Today@Dean and www.dean.edu. Hard copies are available upon request in the Student Conduct & Community Standards Office, Campus Center 209.

When the Code of Student Conduct Applies

The Code of Student Conduct and the student conduct process applies 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

There may be circumstances in which the College may choose to process a Residence Life/Housing Agreement policy through the student conduct process.

All resident students must abide the College's Housing Agreement to live on campus. Any violations of the Housing Agreement will be resolved through Residence Life procedures as indicated in the Housing Agreement. Some behaviors that violate the Housing Agreement and the Code of Student Conduct may be managed simultaneously by Residence Life Staff, and the Student Conduct Process. This may mean that a student is responsible for both a Code of Student Conduct violation and Housing Agreement violation. The Assistant Dean of Students, or his/her designee, and the Director of Student Conduct and Community Standards, or his/her designee, will determine if the Student Conduct Process is appropriate to resolve a Residence Life issue.

When students are 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 student's housing status include, for example: loss of guest privileges, housing probation, housing re-assignment, weekend suspension, housing suspension, and loss of housing.

To review the Housing Agreement please visit:

<https://today.dean.edu/departmentsinfo/reslife/Shared%20Documents/Housing%20Agreement%202018-2019-%20Final.pdf>

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 fully and fairly participate in the student conduct process. To request accommodations, 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, accommodations will be provided.

Violations of Law; Criminal Investigations

The College cooperates with the enforcement of federal, state, and local laws and may refer a student for 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.

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 – one on one meeting between an alleged student and an administrative hearing officer in which information from the incident report is shared, both parties have the opportunity to ask questions, and present evidence. The accused student is given the opportunity to share their perspective.

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

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

Alleged – refers to the respondent, any student accused of violating the *Code of Student Conduct*.

Appeal Decision Letter – letter sent to a student following an appeal from an appeal officer that notifies the student of the appeal officer's decision.

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

Charges – refer to possible violations of the *Code of Student Conduct* that the student is alleged to have violated in an incident

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

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

Finding Letter – letter sent to a student following a hearing and investigation which notifies the student of the administrative hearing officer or student conduct panel's decision of responsibility and sanctions, if appropriate. Directions on how to appeal a decision is also included in the finding letter

General Grounds - College premises includes 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 - means a non-student who is an associate or invitee of a student and/or student Organization, team or group.

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

Interim Administrative Action – situations where the college must immediately remove 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 and during a student conduct or Title IX investigation. Interim Administrative action is effective immediately. It can include 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 – staff, faculty, student, authorized guest, vendor or partner of Dean College.

Preponderance of evidence standard – the standard of proof used in student conduct and Title IX investigations. The administrative hearing officer, student conduct panel, 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 Student - any person who submits an allegation that a student violated *The Code of Student Conduct*

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

Student - means any person who has submitted an enrollment deposit, registered or enrolled in, or attends, attended or attending the College, any College course or College conducted program.

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 – means 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 intentional 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.

Unintentional acts include, but are not limited to, including a reference list but no in-text citation, including in-text citations but no reference list, and/or incorrect or incomplete citations. If a faculty member finds that a student has been intentionally academically dishonest, the faculty member does the following 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;
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 Review Board 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 Policy

Students are expected to comply with all federal, state, and local laws with regards to possession, use and distribution of alcohol.

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.

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 of 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) of any student is prohibited.
4. Possession of alcohol by a single student, who is over the age of 21, may not exceed the equivalent of twelve 12-ounce cans or bottles of beer or two 750-milliliter bottles of wine or 1 liter of hard alcohol.
5. Possession of any alcohol that is over 80% alcohol by volume.
6. Possession of common source alcohol containers and paraphernalia (i.e., kegs, beer balls, etc...)
7. Driving under the influence of alcohol or possession of alcohol while operating a vehicle is prohibited.

Massachusetts State Law Concerning Alcohol

Any person who knowingly or intentionally supplies, gives, or provides alcohol to a person under 21 years of age or allows a person under 21 years to possess alcohol shall be punished by a fine of not more than \$2,000 or by imprisonment for not more than one year or both.

Any person under 21 years of age who purchases or attempts to purchase alcoholic beverages or alcohol, or makes arrangements with any person to purchase or in any way procure such beverages, or who willfully misrepresents his age, or in any way alters, defaces or otherwise falsifies his identification offered as proof of age, with the intent of purchasing alcoholic beverages, either for his own use or for the use of any other person shall be punished by a fine of \$300. A conviction for violating these provisions will be reported to the registrar of motor vehicles, who will suspend the defendant's driver's license for 180 days.

Any person who knowingly makes a false statement as to the age of a person who is under 21 years of age in order to procure a sale or delivery of such alcoholic beverages or alcohol to such person under 21 years of age, either for the use of the person under 21 years of age or for the use of some other person, and whoever induces a person under 21 years of age to make a false statement as to his age in order to procure a sale or delivery of such beverages or alcohol to such person under 21 years of age, shall be punished by a fine of \$300. A conviction for violating these provisions will be reported to the registrar of motor vehicles, who will suspend the defendant's driver's license for 180 days.

Any person in a licensed premises shall, upon request of an agent of the commission or the local licensing authorities, state his name, age, and address. Whoever, upon such request, refuses to state his name, age or address, or states a false name, age, or address, including a name or address which is not his name or address in ordinary use, will be guilty of a misdemeanor and will be punished by a fine of not more than \$500.

Any person who transfers, alters or defaces any driver's license or liquor purchase identification card, or who makes, uses, carries, sells or distributes a false identification card or license, or uses the identification card or motor vehicle license of another, or furnishes false information in obtaining such card or license, will be guilty of a misdemeanor and shall be punished by a fine of not more than \$200 or by imprisonment for not more than three months.

Any person under 21 years of age and not accompanied by a parent or legal guardian, who knowingly possesses, transports or carries on his person, any alcohol or alcoholic beverages, shall be punished by a fine of not more than \$50 for the first offense and not more than \$150 for a second or subsequent offense. A conviction for violating this provision will be reported to the registrar of motor vehicles, who will suspend the defendant's driver's license for 90 days.

The host of a party may be liable for injuries caused by his or her guests. A host who knew or should have known that his or her guest was drunk, and nevertheless gave or permitted the guest to take an alcoholic drink, is exposed to liability for any injuries the intoxicated guest caused to a third person through negligent operation of a car. If the guest is a minor, the host may be liable even if the minor was not intoxicated when the host served the minor alcohol.

The maximum permitted blood-alcohol level for drivers over 21 years of age is .08. A first conviction for driving under the influence of alcohol carries mandatory alcohol education, a 210 day suspension, and fees. Massachusetts has a "zero tolerance" law for drivers under 21 years of age. For such drivers, any alcohol

level greater than .02 (roughly equivalent to one mixed drink or beer) will result in on-the-spot revocation of the driver's license.

Town of Franklin Alcoholic Beverages Law

No person shall drink or have in his or her possession an open container of any alcoholic beverage while in or upon any public way or any way to which the public has a right of access, any municipal building, facility or land or any place to which members of the public have access as invitees or licensees, except upon premises or at an event for which the Town Council has issued an alcoholic beverages license. The penalty for each violation of this article shall be \$300; the enforcing agent shall be the Franklin Police Department.

“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 misdemeanor or felony violation of law occurs.

Copyright Infringement

In compliance with the amendments to the Higher Education Act (HEA) under the [Higher Education Opportunity Act of 2008 \(HEOA\)](#) Dean College is required to disseminate information on the College's policies and sanctions related to copyright infringement, including a summary of the penalties for violation of Federal copyright laws; and summary of the Penalties for Violation of Federal Copyright Laws.

Unauthorized distribution of copyrighted material, including unauthorized peer-to-peer file sharing, may subject students to civil and criminal liabilities. Students should be aware, however, that not all uses of copyrighted materials are illegal. [The U.S. Copyright Act](#) allows for the copying and distribution of copyrighted materials when such use satisfies the requirements for "fair use."

As required under HEOA, 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.
- As a general rule, 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 distribution of copyrighted material may result to sanctions imposed by the College.

Legal Downloading

The HEOA requires all colleges and universities to offer legal alternatives to unauthorized downloading.

Educause provides this list of these legal alternatives The products or services listed are in no way endorsed or evaluated by Dean College.

Please be advised that absolutely no recording of classes, meetings or events are permitted as outlined in the Student Code of Conduct. Legal and/or disciplinary actions may be taken for any violation of this rule.

Damage to Property

Willfully taking the property of another or willfully or negligently damaging the property of another person or the College.

Discrimination

The harassment or intimidation of another person, whether student, faculty, or staff, that limits another person's right to equal opportunity or otherwise denies another person equal treatment because of any protected classification is prohibited. The term harassment is taken to include unwelcome physical, verbal or other conduct which is sufficiently severe, persistent or pervasive that it has the effect of interfering with a person's employment, educational or student life experience at the College.

Bias or Hate Crime

Discrimination includes behavior that is considered a bias or hate crime. Bias or hate crime is any crime principally motivated by hatred of another because of race, religion, ethnicity, sexual orientation, disability, gender or other protected classification. Any bias or hate crime will not be tolerated and will be treated as an extremely serious incident. The student conduct process does not preclude the possibility of criminal charges.

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.

Drug Policy

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

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 Safety, in consultation with Law Enforcement Services, 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 State Law Concerning Drugs

Massachusetts imposes criminal penalties concerning the use and possession of drugs, varying with the type of drug. In general, narcotics, addictive drugs, and drugs with greater potential for abuse carry higher penalties. For instance, Massachusetts makes it illegal to be in a place where heroin is kept or to be “in the company” of a person known to possess heroin. Anyone in the presence of heroin at a private party risks a serious drug conviction. In addition, the sale or possession of drug paraphernalia is illegal in Massachusetts.

Possession of drugs with the intent to distribute within 300 feet of school or daycare property is a very serious crime in Massachusetts and carries a mandatory minimum two and a half year sentence. Much of the College’s campus qualifies as a school zone for purposes of this law.

Failure to Abide by College Policy

Students may abide by all posted and published College policies. This includes but is not limited to;

- a) Violation of the Housing Agreement
<https://today.dean.edu/departmentsinfo/reslife/Shared%20Documents/Housing%20Agreement%20Fall%202019.pdf>
- b) Violation of the Parking Policy
<https://today.dean.edu/departmentsinfo/campussafety/Public%20SafetyCommunity%20Awareness/Parking%20and%20Traffic%20brochure%202018-19.pdf>

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 failing to identify oneself, interfering with directives from College officials and failure to complete assigned sanctions.

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) Smoking or using tobacco products on Dean College property except at designated smoking areas around campus. Smoking tobacco with a vape or e-cigarettes may only occur at designated smoking areas. Students who smoke tobacco in any campus building will face disciplinary consequences. (Chewing or other smokeless tobacco is prohibited on campus.) Possession, use and/or storage of fireworks as they are illegal in Massachusetts and are prohibited on campus

Gambling

Placing a wager on the outcome of any activity. This includes wagering on any athletic activities including “fantasy” sports leagues or events.

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 such behavior.

Dean College adheres to and enforces Massachusetts General Law Chapter 269, sections 17-19, which prohibit the practice of 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, Section 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 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

Intentional action taken by an accused student, or a third party on behalf of the accused student, 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.

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 refers to 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 on page 22.

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. This 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 (marijuana laced) and cigars (marijuana) pipes, chewing tobacco, edibles, and any other item used for the consumption of tobacco or marijuana products. Additionally, all 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.

The use of the following items is permitted only at the Designated Smoking Areas:

1. Cigarettes
2. Cigars

The smoking locations on campus are as follows:

- 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 is 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.

Sexual Exploitation involves 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.

Theft

Willfully taking the property of another person or the property of the College.

Threatening or Harming Behavior

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

Unauthorized Entry or Access

- a) Attempted or actual forcible/unauthorized entry or presence in buildings, property or electronic records.
- b) Possession of identification that does not belong to a student or duplicating forms of identification and keys.
- c) Distributing identification to others that allows for unauthorized entry or presence into buildings, property or electronic records.

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 Policy

The College prohibits students from possessing any firearm or ammunition or any weapon that is prohibited by Massachusetts General Laws chapter 269, Section 10.

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 received in writing or through verbal referral from the reporting party to the Director of Student Conduct & Community Standards.

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 the college must immediately remove a student who poses an immediate threat to the health or safety of the community or to a community member, the Director of Student Conduct & Community Standards or his/her designee may take interim administrative action. Interim administrative action occurs prior to a finding of responsibility and during a student conduct or Title IX investigation. Interim administrative action is effective immediately except when explicitly stated by the Director of Student Conduct & Community Standards.

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 or his/her designee. 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, are not permitted to return, or visit unless they receive expressed permission from the Director of Student Conduct & Community Standards or their designee. This means students are denied access to the residence halls, including visiting for any reason. 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 of Student Conduct & Community Standards or his/her designee.
- 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 of Student Conduct & Community Standards or their designee. 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 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 on page 23)

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 incident who are discovered by Dean College employees. 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.

Notice of Administrative Hearing

Students accused of misconduct by any community member will be issued a Hearing Notice by the administrative hearing officer assigned to hear the case. The administrative hearing officer will contact the accused student via email. The email communication will notify the student of the nature of the alleged misconduct and of the date, time, and location of a scheduled hearing.

It is the student's responsibility to periodically check their email as it is the official means of communication of the College. Failing to check an email is not an appropriate reason to miss a scheduled hearing.

In the majority of 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 to notify the administrative hearing officer, upon receipt of the administrative hearing notice to reschedule. Athletic, club/organization events or other involvement opportunities are not sufficient reasons to miss a hearing.

Administrative Hearing

The majority of incident reports that allege a policy violation will be adjudicated by an administrative hearing officer in an administrative hearing. An administrative hearing is a meeting between an accused student and an administrative hearing officer. There will be separate administrative hearings scheduled for each accused student involved in an incident.

This 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 accused student to hear the information from the initial report, explain their perspective of involvement in the incident, present evidence (including presenting perspectives of event witnesses) and ask questions related to the incident or student conduct process to the administrative hearing officer.

If there are a large number of students involved in the same incident, the administrative hearing officer will use their discretion to determine whether the administrative hearings will occur separately or together. 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.

An accused student and a 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 accused student will have an opportunity to respond to the new evidence.

Student Conduct Panel

The Student Conduct Panel is a student run group that facilitates hearings and makes recommendations with respect to determinations of responsibility and sanctions for minor violations of the Code of Student Conduct. The Student Conduct Panel's focus is building community through peer connections. It is our

hope that students will learn from each other and recognize the main purpose is putting our community first.

The Director of Student Conduct and Community Standards or his/her designee oversees the Student Conduct Panel. Conduct cases will be assigned to the Student Conduct Panel through the Director of Student Conduct and Community Standards or their designee. Cases will then be reviewed by the Student Conduct Panel during their weekly general meeting, and three to five panel members will be selected to serve as a hearing panel to hear conduct cases. Panel members will not serve on hearing panel in which there is a known bias.

A student conduct panel hearing notice will be sent to accused student(s) from the student conduct panel via the conduct database to a student's school-issued email. Student(s) have the right to refuse a student conduct panel hearing if they prefer to only sit-in with a professional staff member/designee for their administrative hearing.

The student conduct panel is an opportunity for the accused student to hear the information from the initial report, explain their perspective of involvement in the incident, present evidence (including presenting perspectives of event witnesses) and ask questions of the conduct panel. The student conduct panel will share information from the report, ask questions to collect information, explain the student conduct process, and review possible outcomes of responsibility and sanctioning, when appropriate.

The recommendations with respect to determinations of responsibility and sanctions will be determined through majority vote. The recommendations are reviewed by the panel advisor. The panel advisor will determine the official finding of responsibility and/or sanctions when appropriate. The panel advisor in such as case is the administrative hearing officer.

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 accused student is responsible for violating a policy within the Code of Student Conduct. This means that the administrative hearing officer will determine, with the information available, if 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 accused student will receive the administrative hearing officer's decision in the form of an electronic letter (Finding 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 Finding Letter that is emailed to a student after their administrative hearing or student conduct panel. The Finding Letter will include the deadline the sanction should be submitted by and instructions on how to complete the sanction. Sanctions are intended to serve many purposes. Primarily sanctions will seek 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 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 responsible student 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 list of sanctions may be imposed as a result of a student being responsible for violating Code of Student Conduct policy. The sanctions are listed in order of severity. While these are the most commonly applied sanctions, other sanctions not listed may be assigned by administrative hearing officers.

Sanctions

Possible Sanctions may include:

1. Written Warning: a written record on a student's disciplinary file warning that student that any additional behavior, that 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 a concerning behavior. All information shared in counseling services is confidential and will not be shared with the administrative hearing officer. Counseling services will only share that a student has fulfilled this sanction.
4. Restitution: Monetary compensation for vandalism or theft or other harm to property.
5. Campus Service: Required work assignment to serve a campus office, department or community agency.
6. 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.
7. Housing Probation: A status, for the indicated time period, which indicates that if a student engages in any further violations, the student will likely be removed from the residence halls.
8. 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.
9. Weekend Suspension: A period of time in which a student is not permitted to be on Dean College's campus or participate in any campus activities for the weekend.

10. Housing Reassignment: A required reassignment of one's housing accommodations without the opportunity to select the new placement.
11. Housing Suspension: For the designated time period, the student is not permitted to live in campus housing for any reason. A student is not permitted to visit the residence halls during the suspension for any reason.
12. Loss of Housing: The student has permanently lost the privilege to live in campus housing. A student is not permitted to visit the residence halls during the suspension for any reason.
13. 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 any reason, or use any facilities. Suspension is typically issued for the remainder of a semester, for a subsequent semester or for multiple semesters.
14. Dismissal: A permanent separation from the College and prohibition from visiting the campus for any reason.

Failure to Comply with Sanctions

Students that 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 addition, more serious sanctions, including for example loss of housing and/or suspension from the College.

Appeal

After a decision of responsibility has been made and/or 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. Violation of College conduct procedures sufficient to affect the outcome
2. New evidence not reasonably available at the time of the hearing
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 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. After a decision has been made by the appeal officer, the decision of responsibility and sanctions, if assigned, is final.

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.

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.

The College's Title IX Coordinator is Shannon Overcash, Assistant Dean of Students. The Title IX Coordinator oversees Title IX compliance, policies, procedures, and training for the Dean College community.

There are three Deputy Title IX Coordinators at the College. Deputy Title IX Coordinators oversee sexual harassment compliance, training, policies and procedures, and resources available to the populations they serve. The Title IX Coordinator oversees the work of the Deputy Title IX Coordinators.

1. Deputy Title IX Coordinator for Students, Randall Williams
2. Deputy Title IX Coordinator for Athletics, Jess Paulin
3. Deputy Title IX Coordinator for Faculty/Staff, Robert Carson

The Director of Human Resources or his/her designee will investigate all incidents in which staff, faculty member(s) are accused of sexual harassment. Employees who commit sexual harassment are subject to the full range of sanctions available under the College's employment policies, up to and including termination of employment.

A person designated by the Deputy Title IX Coordinator for Students will investigate all incidents in which students are accused of Sexual Misconduct. Students who commit Sexual Misconduct are subject to the full range of sanctions available under the student code of conduct, up to and including dismissal.

A person designated by the Title IX Coordinator will investigate all incidents in which the person accused of Sexual Harassment is a guest, vendor or other third party. Third parties who engage in Sexual Harassment are subject to a range of sanctions that may include a No Trespass Order from the College and /or termination of any relationship with the College.

I. Definitions

Title IX Definitions:

In May 2020, pursuant to Title IX of the Education Amendments of 1972, the Department of Education issued new regulations concerning how colleges must respond to certain types of sexual misconduct. Effective August 14, 2020, those regulations require all colleges to use specific procedures in response to reports of what the Department calls "sexual harassment" – a term the department uses to cover all types of sexual misconduct that are addressed under Title IX. The College's policies will use the term "Title IX Sexual Harassment" or "Title IX Policy Violation" to refer to conduct defined as sexual harassment by the Department.

Title IX Sexual Harassment

Title IX Sexual Harassment is conduct on the basis of sex that satisfies one or more of the following:

- (1) An employee of the college conditioning the provision of an aid, benefit, or service of the college on an individual's participation in unwelcome sexual conduct;
- (2) Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the college's education program or activity; or
- (3) Sexual assault, dating violence, domestic violence, or stalking, as defined below.

"Sexual assault" means an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the FBI.

"Dating violence" means violence committed by a person (A) who is or has been in a social relationship of an intimate nature with the victim; and (B) where the existence of such a relationship shall be

determined based on a consideration of the following factors: (i) the length of the relationship; (ii) the type of relationship; and (iii) the frequency of interaction between the persons involved in the relationship.

“Domestic violence” includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of Massachusetts, or by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of Massachusetts.

“Stalking” means engaging in a course of conduct directed at a specific person that would cause a reasonable person to (A) fear for their safety or the safety of others or (B) suffer substantial emotional distress.

To be considered Title IX sexual harassment, the conduct described above must occur in a Dean education program or activity within the United States. A Dean “education program or activity” is a location, event, or circumstance over which the college exercises substantial control over both the respondent and the context in which the Title IX sexual harassment occurs.

Other Definitions:

Coercion is the unreasonable use of pressure to compel another individual to initiate or continue sexual activity against an individual’s will. Coercion can include a wide range of behaviors, including intimidation, manipulation, threats, and blackmail. A person’s words or conduct are sufficient to constitute coercion if they wrongfully impair another individual’s freedom of will and ability to choose whether or not to engage in sexual activity. Examples of coercion include threatening to “out” someone based on sexual orientation, gender identity, or gender expression and threatening to harm oneself if the other party does not engage in the sexual activity.

Complainant is the person who reportedly was subjected to sexual misconduct.

Consent: Effective consent requires that at the time of the sexual contact, all participants are of legal age to consent to the activity at issue and use words or conduct to communicate freely given approval or agreement, without force, coercion, or incapacitation. Consent may not be inferred from silence or passivity. Consent to one act does not imply consent to other acts, nor does past consent to an act imply present or future consent. In addition, consent once given may be withdrawn at any time. If consent is withdrawn, whatever sexual contact is occurring must immediately stop.

Individuals are unable to give effective consent if they are:

- incapacitated by illness, alcohol or drugs, and the other person knew or reasonably should have known of the incapacitation
- forced, coerced, threatened or subject to intimidation
- physically incapable of communicating, asleep, or unconscious

Force means the use or threatened use of violence or imposing on someone physically.

Incapacitation means an individual lacks the ability to make informed, rational judgments and/or to coherently communicate those judgments. Incapacitation may result from illness, injury, or the use of alcohol and/or other drugs. Incapacitation is a state beyond drunkenness or intoxication. The impact of alcohol and other drugs varies from person to person; however, warning signs that a person is or may be

approaching incapacitation may include (but are not limited to) slurred speech, vomiting, unsteady gait, combativeness, or unusual emotional volatility.

Non-Consensual Sexual Contact is any intentional sexual touching, however slight, with any object or body part, by a person upon another person, without effective consent.

Relationship Abuse is the use of physical force, coercion, threats, or sexual misconduct toward a current or former partner in a personal, intimate relationship. Psychological, verbal and/or emotional manipulation also constitute relationship abuse if it has the effect of creating reasonable fear, isolation, or restriction of access to resources, education, or work. Relationship abuse includes behaviors that are defined as dating and/or domestic violence for purposes of Massachusetts law, Title IX, or Clery Act reporting. The behaviors generally form an ongoing pattern of behavior, although one severe instance of physical or sexual abuse may be sufficient to establish relationship abuse. Relationship abuse is directed primarily against a person who is or has been involved in a sexual, dating, domestic or other emotionally, romantically, and/or physically intimate relationship with the respondent, although the abuse may be directed toward the family members, friends, pets, or property of the targeted partner. Examples of relationship abuse include:

- Physical abuse (e.g., slapping, pulling hair, punching)
- Threats of abuse (e.g., threatening to hit, harm or use of a weapon on another or self, or other forms of verbal abuse)
- Emotional/psychological abuse (e.g., harassment, name calling, manipulation) that creates and maintains a degrading environment.
- Sexual abuse (e.g., forced sexual conduct and/or any behavior that meets the definition of sexual assault).
- Financial Abuse (e.g. Quid Pro Quo, forcing one to use financial resources, withholding financial resources).

Reporting Party is the individual who brought forward information regarding the incident. This may or may not be the complainant as described below.

Respondent is the alleged perpetrator of sexual misconduct.

Retaliation is a materially adverse action taken against a person because they have complained about sexual misconduct, participated in an investigation of alleged sexual misconduct, or supported a victim of sexual misconduct.

Sexual Assault is any sexual penetration, however slight, using any body part or object, by a person upon another person without that person's effective consent.

Sexual Exploitation involves 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 Harassment: is unwelcome physical, verbal or other conduct of a sexual nature which is sufficiently severe, persistent and pervasive that it has the effect of interfering with a person's employment or educational experience at the College. The harassing behavior may be based upon power differentials (a person in a position of authority over another conditions some aspect of the other person's employment or educational experience on that person's submission to unwelcome sexual behavior), the

creation of a sexually hostile environment (unwelcome sexual touching, leering, comments or other behavior creates a hostile environment in the office, classroom or other setting).

Stalking is a pattern of 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.

Supportive Measures are individualized, non-punitive, non-disciplinary services offered to a complainant or respondent in order to restore or preserve equal access to education, protect student or employee safety, or deter sexual harassment.

Title IX Advisor is a person who acts as an advisor to the respondent or complainant during a Title IX investigation process. This person may but need not be an attorney. If a student does not have an advisor, the College will provide one.

II. Reporting

Reporting Options and Confidentiality

Students have multiple options with respect to reporting sexual misconduct:

- The Title IX Coordinator or his/her designee will meet with the Reporting Party and/or Complainant, provide information about supportive measures and resources on and off-campus, and collect available information. Students will receive information about on campus and off campus resources both verbally as well in a writing. The Title IX Coordinator or designee also considers the initial information about the incident to determine whether interim emergency measures may be appropriate.
- The Complainant may ask the college to conduct a Formal Sexual Misconduct investigation, in which case the student must file a complaint in writing. This can be done during a meeting with the Title IX Coordinator, a member of Counseling Services, Health Services or any Dean College employee. It can also be reported via email to any Dean College employee.
- The Complainant may ask the college to facilitate an informal resolution or mediation with the Respondent to remedy the situation.
- To report to Franklin Police for criminal investigation Ken Corkran, Director of Law Enforcement Services and Risk Management is available to assist students with this process, or students may contact Franklin Police directly. If a sexual assault or sexual harassment might be the subject of a criminal investigation, it is important to take certain steps preserve any evidence. The individual should:
 - Seek medical assistance which may include a sexual assault forensic exam.
 - Avoid showering or bathing prior to a forensic exam.
 - Place any evidence (clothes, sheets, etc.) in a paper bag. Do not use a plastic bag as it may impact the later testing of items.

Students may report an incident of Sexual Harassment to any employee of the College, some of whom are “confidential” resources. A “confidential” resource is one who will not share with anyone (including college officials or law enforcement) any information that identifies or could be used to identify the person making the report of sexual misconduct, with very limited exceptions – i.e., with the reporting person’s consent, where there is an imminent threat to the safety of the reporting person or someone else, or where disclosure is necessary in order to comply with the College’s legal obligations. College employees who are not confidential resources are obligated to report any allegation of sexual misconduct to the Title IX Coordinator.

Confidential Resources On-Campus:

- Dean College Health Services: 508-541-1600
- Dean College Counseling Services: 508-541-1838
- Campus anonymous reporting form: www.dean.edu/anonymousreporting

Confidential Resources Off-Campus:

- Wayside Trauma Intervention Services: 800-511-5070 (24-hour confidential hotline)

Resources include free trauma counseling, hospital and medical advocacy, safety planning

- New Hope Inc.: 800-323-4673 (24-hour confidential hotline)
Provides resources for addressing domestic and sexual violence
- 1in6.org/helpline: 24- hour chat line
Provides resources for male survivors
- Milford Regional Medical Center: 508-473-1190 Address: 14 Prospect St., Milford, MA
SANE (Sexual Assault Nurse Examiner)

III. Interim and Supportive Measures

Regardless of whether a formal investigation is pursued, the College will implement such supportive measures as are appropriate in the circumstances. They can include, without limitation:

- no contact directives
- changes in class, laboratory, or other educational activities (students)
- changes in campus workplace arrangements or schedules
- restrictions on participation in one or more campus activities
- scheduled use of on campus facilities such as the dining hall, gym, library, etc.
- emergency interim suspensions from the College or living on campus, based on an immediate threat to campus to justify the removal of a student. The respondent has the right to respond to the decision to an interim suspension immediately
- emergency changes in living arrangements for the reporting student or accused student

Student who wish to request interim or supportive measures must contact Shannon Overcash, Title IX Coordinator at sovercash@dean.edu. Decisions about interim or supportive measures will be made by the Title IX Coordinator or a Deputy Title IX Coordinator, in consultation with other College officials as appropriate under the circumstances. Violations of Interim or Supportive Measures will be addressed by the Title IX Coordinator or Deputy Title IX Coordinator.

IV. Title IX Investigation and Hearing Process

This section describes the investigation and hearing process for allegations of Title IX Violations. The investigation and hearing process for allegations of Non-Title IX Violations involving student respondents is described in the Student Code of Conduct. The investigation and decision process for allegations of Non-Title IX Violations involving employee respondents is described in the Employee Policy Handbook.

Investigators

The College has designated five Title IX Investigators (4 for incidents involving students, 1 for incidents involving faculty/staff). Each investigator will receive training involving sexual harassment, policies and the investigation process. They are responsible for conducting an unbiased Title IX investigation.

Generally, one Title IX investigator will investigate each reported incident. In certain situations, there may be a second Title IX Investigator who serves primarily as a note-taker. Neither the investigator nor the note taker decides responsibility or determines sanctions. The Hearing Officer will hear the case and render a decision.

The following individuals are Title IX Investigators for cases in which a student is the respondent:

- Randall Williams, Deputy Title IX Coordinator for Students and Director of Student Conduct & Community Standards
- Matt Lechter, Director of Residence Life
- Kristen Lundgren, Coordinator for Student Conduct and Community Standards
- Morgan Coleman, Assistant Director for Residence Life
- Jill Poirier, Assistant Director for Residence Life

The following individual is a Title IX Investigator for cases in which faculty or staff is the respondent:

- Robert Carson, Director and Chief Human Resources Officer
- Tyler Broc, Human Resources Generalist

In addition to the individuals identified above, the Title IX Coordinator may appoint any other appropriate person to serve in the role of investigator.

Investigation

The Title IX Coordinator (Shannon Overcash, Assistant Dean of Students) or their designee will oversee the College's investigation, which in the ordinary course will include the following steps.

The investigation process outlined below is always subject to adjustment as appropriate under the circumstances of any case.

At each stage of the process, both the complainant and the respondent have the right to be accompanied by an advisor of his or her choosing.

The burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rests on the College and not on the parties involved.

1. To initiate a formal investigation and conduct process, the complainant must submit a report of alleged sexual misconduct in writing. This may be done via email, via a Maxient reporting form or by signing a statement made with a responsible employee. A formal investigation and conduct process also may be initiated by the Title IX Coordinator.
2. The College may consolidate formal complaints as to allegations of sexual harassment against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, where the allegations of sexual misconduct arises out of the same facts or circumstances.
3. An unbiased and objective Title IX Investigator is assigned to begin the Investigation. The Investigator will update both parties in writing at appropriate stages of the investigation.

4. Both the complainant and the respondent student will be notified in writing of any disciplinary charges that are to be investigated.
5. The respondent is presumed not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the investigation process.
6. The Title IX Investigator will investigate within a reasonable time frame. This may involve:
 - a. Collecting additional information and statements from both the respondent and the complainant.
 - b. Meeting with witnesses for the complainant and the respondent who have relevant information about the incident.
 - c. Collecting additional information such as: documents, photos, emails, texts, etc. that are deemed relevant to the investigation.
 - d. Both parties have the ability to discuss the allegations under investigation or to gather and present relevant evidence.,
7. When the Title IX Investigator has completed a thorough and equitable investigation, they will share with both parties a draft report of the results of the investigation, along with all of the evidence obtained as part of the investigation that is directly related to the allegations raised in the formal complaint Both parties will have at least 10 days to submit a written response, which the investigator will consider and address as appropriate prior to the completion of the Investigation Report.
8. After receiving and considering comments from both parties and conducting any further investigation that is warranted in light of those comments, the Title IX Investigator will forward to the parties and any advisors the final Investigation Report, which will occur no less than 10 days before the live hearing.

Live Hearing

1. Unless the matter is resolved by way of an informal resolution, the College will conduct a live hearing with the parties located in separate rooms with technology enabling the decision-maker(s) and parties to simultaneously see and hear the party or the witness answering questions.
2. Live hearings pursuant to this paragraph may be conducted with all parties physically present in the same geographic location or, at the recipient's discretion, any or all parties, witnesses, and other participants may appear at the live hearing virtually, with technology enabling participants simultaneously to see and hear each other.
3. The hearing will be conducted by a Hearing Officer appointed by the Title IX Coordinator or his/her designee. This person will be distinct from the Investigator.
4. The hearing must be recorded or transcribed steno graphically.
5. Both parties are required to have an advisor present at the live hearing, who may be, but is not required to be, an attorney, to conduct cross-examination on behalf of that party.
 - a. If a party does not have an advisor, the College will provide without fee or charge to that party, an advisor of the College's choice.
 - b. The live hearing permits the Hearing Officer to question the parties and witnesses and permits each party's advisor to ask the other party and any witnesses all relevant questions and follow-up questions including those that challenging credibility. Such cross examinations must be conducted directly, orally and in real time by the party's advisor of choice and never by a party personally. Beyond this role, advisors may not participate directly in the proceedings.

- c. Only relevant cross-examination and other questions may be asked of a party or witness. Before a complainant, respondent, or witness answers a cross-examination or other question, the Hearing Officer must first determine whether the question is relevant and explain any decision to exclude a question as not relevant.
 - d. Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.
6. Live hearings pursuant to this paragraph may be conducted with all parties physically present in the same geographic location or, at the College's discretion, with some or all persons appearing remotely, with technology enabling participants simultaneously to see and hear each other. At the request of either party, the College must provide for the live hearing to occur with the parties located in separate rooms with technology enabling the Hearing Officer and the parties to simultaneously see and hear the party or witness who is answering questions.

Determination of Responsibility and Sanctions

Within 5 business days of the conclusion of the live hearing, the Hearing Officer will use the information gathered during the investigation, as well as the live hearing, to make a decision of responsible or not responsible based on the preponderance of the evidence standard. The hearing officer will also determine sanctions when the outcome is responsible. Both parties will be notified simultaneously and in writing of the outcome of the investigation. The hearing officer will issue a report which includes the allegations that were the subject of the live hearing, the procedural steps taken in the case, the findings of fact supporting each finding of responsible or not responsible, conclusions regarding application of the code of conduct to the facts, an explanation of the rationale for any sanctions including whether remedies designed to restore or preserve access to the College's education program or activity will be provided to the complainant and the procedures and permissible bases for an appeal.

Sanctions

If the respondent is found responsible the sanctions imposed may include, but not be limited to loss of privileges, disciplinary probation, suspension, or expulsion.

Appeals

Both parties have the opportunity to appeal the decision, in writing, within 5 business days. The link to submit an appeal will be included in the decision letter. An appeal can be requested on the following bases:

1. Procedural irregularity that affected the outcome of the matter
2. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter
3. The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.

Any appeal will be referred for decision by a Title IX Investigator who was not involved in investigating the case.

The Title IX Coordinator will:

1. Notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties.
2. Ensure that the decision-maker(s) for the appeal is not the same person as the decision-maker(s) that reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator.
3. Give both parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome.

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 meeting with the student).

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 will issue a written decision describing the result of the appeal and the rationale for the result and provide the written decision simultaneously to both parties.

Dismissal of a Formal Title IX Complaint

A formal complaint may be dismissed by the Title IX Coordinator if he/she deems that the allegation does not constitute sexual harassment as defined in the Sexual Misconduct Policy.

- A dismissal of the formal Title IX complaint does not preclude adjudication of behavior as it may be defined as a non-Title IX violation within the Code of Conduct. The Complainant or the College may proceed with an investigation of the alleged non-Title IX violation.
- The Complainant may withdraw the complaint at any time during the investigation by notifying the Title IX Coordinator in writing.
- Upon dismissal of a complaint, both parties will be notified promptly in writing.

Informal Resolution

A complainant may request the facilitation of an informal resolution process, such as mediation, that does not involve a full investigation and adjudication.

- The college will provide written notice to both parties of the allegations, including the requirements of the informal resolution process.
- Both parties must provide voluntary written consent to the informal process.
- In an informal resolution, either party has the ability to withdraw from the informal resolution process and resume a formal resolution process, but only *before* an agreement has been reached.
- All records collected during the Informal Process could be made available during the Formal Process.
- Once an agreement has been reached the parties are precluded from resuming a formal complaint of the same allegation

Campus Dissent and Demonstrations Policy

There may be times that students will choose to dissent with College policy and/or with current events and 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 to the 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 dissent or participate in demonstrations must submit advanced notice to the Assistant 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 all planned protests 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.

Virtual Classroom and Meeting Policies

Learning at Dean College also takes place virtually. In addition to that virtual learning, meetings and programs that enhance that learning and/or the student experience also will take place virtually. In order to provide the best opportunity for learning and instruction, students will need to abide by the following policies when engaging in virtual 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.

Policies Regarding COVID-19

In order to promote a healthy and safe environment during the COVID-19 pandemic, the Office of Student Conduct and Community Standards along with Housing and Residence Life, Health Services and the Dean of Students Office has enacted the policies set forth below. Recurring violations of guidelines and restrictions below may result in disciplinary action. Please note that these policies are in addition to those stated in the current Dean College Student Code of Conduct.

Current Campus Guidelines and Restrictions:

- a. Signage will be posted on each floor and in all bathrooms reminding students of guidelines and hygiene measures.
- b. Face coverings must be worn at all times on campus and when traveling through all residence halls. You may remove the face covering when in your room or when using bathroom as appropriate (showering, brushing teeth) and when eating.
- c. Avoid touching eyes, nose, or mouth with your hands.
- d. Adhere to established directional signage for hallways, passageways and stairways for foot traffic, whenever possible, to minimize contact.
- e. Resident students will be provided with assigned bathrooms within the Residence Halls.
- f. Wash hands often with soap for at least 20 seconds or use an alcohol-based hand sanitizer.
- g. Cover coughing or sneezing with a tissue, then throw the tissue in the trash and wash hands; if no tissue is available then cough into your elbow.
- h. No handshaking, high-fiving, or other unnecessary physical contact.
- i. A "No Congregation" policy is in effect in all hallways, lounge spaces and stairwells; individuals must implement social distancing by maintaining a minimum distance of 6-feet whenever possible. Any changes to this policy will connected to current guidance provided by the Governor's Office.
- j. Kitchens within residence halls will be available for use but each student must only use their own items, clean them immediately after use and return them to your room. No sharing of pots, pans, utensils, etc. Health and safety inspections will be done in these areas as well. Kitchen items that are not cleaned and removed within one business day will be disposed of.
- k. You may have other Dean students who reside in your building visit your room with capacity limits as outlined in the Housing Agreement Addendum. Face coverings should be worn when you cannot maintain a social distance of 6 feet within a residence hall room.
- l. There will be NO outside visitors other than current Dean College students permitted in the Residence Halls. This includes daytime and overnight guests. For the full visitor/guest policy please view the Housing Agreement Addendum.

- m. Do not touch anyone's clothes except your own when doing laundry.
- n. No more than two people at a time on an elevator, socially distanced 6 feet apart. For the Adams elevator, only one person is allowed at any time.

Intervention and Resolution Measures

Dean College will use a two-week period at the beginning of the semester in order to educate the community on the COVID-19 guidelines and restrictions. During this time, the college will provide emails to the community to illustrate the guidelines and restrictions. The college will also institute signage in all buildings on campus reminding everyone of the guidelines and proper hygiene measures. Any behavior deemed to be a serious or willful violation of the measures could result in disciplinary action as outlined by the code of conduct.

Any reported violations of the COVID-19 guidelines and restrictions will be referred to the Office of Student Conduct and Community Standards. The reported violations will be documented to determine if any patterns are present and require additional measures. The Office of Student Conduct will either issue the student a written warning, pursue an educational meeting, or address the incident via the student conduct process. Violations include but are not limited to:

1. Failure to wear a mask or face covering in designated areas
2. Failure to maintain appropriate social distancing when necessary
3. Engaging in unnecessary physical contact
4. Not adhering to signage establishing protective measures (i.e. traffic patterns in hallways, capacity guidelines, etc....)
5. Not adhering to assigned restrooms within the Residence Halls

For a first reported incident, the Office of Student Conduct and Community Standards generally will issue a written warning, although more serious sanctions may be imposed. The warning will remind students of the guidelines and restrictions in place by the college. It will also inform them of the importance of following these guidelines in order to promote a safe and healthy environment for the entire community. The letter will discuss the repercussions of non-compliance.

For a second reported incident, the Office of Student Conduct generally will meet with the student and sanctions will be imposed based upon the severity. This meeting will discuss the reasons for the continued non-compliance. Additionally, the office will discuss with the student ways to ensure compliance with the guidelines and restrictions as well as reiteration of the importance of compliance to ensure the health and safety of the community.

For any additional reported incidents, the student will be referred to the student conduct process. The matter will be referred as "Failure to comply with directions of a college official" or other appropriate provision under the code of conduct. In most cases, it is expected that the outcomes will be intended to serve as an educational resolution. However, violations that are repeated, serious, or willful may result in the student's removal from housing and termination of the housing contract or lose of privileges to attend any campus activities including classes or removal from the college via suspension or dismissal. Please note that any reported violation that is deemed an egregious threat to the health and safety of the Dean community is subject to be referred to the student conduct process immediately. Reported violations that may be subject to immediate referral to the student conduct process include but are not limited to:

1. Failure to comply with isolation/quarantine policy or directives outlined by Health Services, Residence Life or Dean Administration
2. Failure to take part and comply with all testing policies as outlined by the College
3. Intentionally entering into a public setting after being asked to quarantine or isolate
4. Intentionally infecting or attempting to infect another member of the Dean community (i.e. faculty, staff, or students) with COVID-19
5. Not disclosing contraction or exposure of COVID-19 to appropriate parties
6. Failure to disclose accurate close contacts as part of contact tracing
7. Failure to comply with guest and visitor policies
8. Failure to adhere to directives provided by Dean College staff and administration

COVID-19 Addendum to the Dean College Housing Agreement

This is an addendum to the Dean College Housing Agreement. All students are responsible for complying with the requirements set forth below as well all policies outlined in the Dean College Student Code of Conduct and any new or different policies that the College may announce from time to time.

1. Health & Safety –

- a. We expect all members of our community -- students, faculty, staff -- to act in a manner that demonstrates respect and consideration for those around them. This guidance will evolve as the public health crisis evolves and may include, but is not limited to, social distancing, limitations on gatherings, wearing a face covering, COVID-19 diagnostic and surveillance testing, contact tracing, disinfection protocols, limitations on guests (current Dean students only) in residence halls, and quarantine/isolation requirements.
- b. Students feeling symptomatic for COVID19 (as noted below) should not leave their residence hall room for any reason and should immediately follow the directions of a health professional. Please visit Center for Disease Control and Prevention [cdc.gov](https://www.cdc.gov) for an updated listing of symptoms to watch for.
 - Fever
 - Cough
 - Shortness of breath or difficulty breathing
 - Chills
 - Muscle pain
 - Headache
 - Sore throat
 - New loss of taste or smell
 - Unusual rashes
- c. Face coverings must be worn when in all indoor public spaces regardless of vaccination status. Students can remove their face covering when eating and in their assigned residence hall room. Fully vaccinated students may remove their mask when outdoors.

Failure to comply with wearing a face covering may result in a student conduct hearing which may result in termination of housing.

- d. The Office of Residence Life will conduct bi-weekly health and safety checks of residence hall rooms. During this time Residence Life staff will inspect that rooms are being kept clean. During these inspections staff are conducting a plain view search of the room to inspect for, correct, repair, or remove hazards to health or personal safety. Any item that violates the Housing Agreement and/or the Student Code of Conduct will be confiscated. Note: Health and Safety Inspections are not always announced nor are they required to be announced.
 - i. For example, staff will be checking to ensure trash is being thrown away, solid surfaces have been wiped down. In addition, staff will be checking that the room furniture and cleanliness allows for social distancing at all times.
 - ii. Students who do not to keep a clean environment will go through the conduct process which may result in a loss of housing.
- e. Student will have an assigned bathroom within their respective residence hall time as well as times to access to the shower facilities, which will ease the numbers of students using the bathroom at any one time.
- f. Avoid touching eyes, nose, and mouth with your hands.
- g. Wash hands often with soap for at least 20 seconds or use an alcohol-based hand sanitizer.
- h. Cover coughing or sneezing with a tissue, then throw the tissue in the trash and wash hands. If no tissue is available, then cough into your elbow.
- i. No unnecessary physical contact.
- j. Wherever posted, adhere to directional signage for hallways, passageways and stairways for foot traffic, whenever possible, to minimize contact.

2. Quarantine & Isolation

- a. Dean College may require a resident to leave Dean housing when the resident's presence in the housing community poses a health or safety risk for community members. Resident students are required to comply with a request from Dean College officials to leave their assigned space due to COVID or other public health emergency. The college has designated specific quarantine & isolation spaces if students are unable to travel safely home. Failure to comply with this request may result in termination of a residential student's housing contract resulting in removal from the college.
- b. Students are not permitted to leave a quarantine or isolation room for any length of time other than to use a dedicated bathroom unless approved by a health professional. This includes travel within the hall or any part of campus. The length of quarantine will be determined by a health professional.
- c. Meals will be delivered by staff to the residence hall for pick up by the student. There shall be no contact made in any form during the delivery of the meal.
- d. Health Professionals will check in daily via technology with students during the time they are in quarantine. Students will not return to their residence hall unless directed by a health professional in consultation with the Dean of Students or designee.

3. Residential Relocation

- a. Residential students are required to comply with any occupancy changes the Office of Residence Life needs to make in order to de-densify residential areas due to COVID or any other public health emergency including but not limited to relocation of all or some residential students to alternative housing assignments. The Office of Residence Life during this process will work with specific students on an appropriate housing assignment based upon spaces that are available.
 - b. Residence Life reserves the right to consolidate rooms.
- 4. Move-In Procedures
 - a. Students will be contacted prior to the start of the semester regarding move-in date, time, and location. All students moving on campus must be financially cleared in order to receive their room key.
 - b. The Office of Residence Life will not allow students entry to campus unless it is during their scheduled arrival date and time.
- 5. Room Moves
 - a. If a room move is deemed necessary by the Office of Residence Life, Resident Director staff will work with the Director of Residence Life and/or designee for approval. The student will need to move all belongings to the new space on the same day the key is issued.
 - b. Living together successfully requires a willingness to openly communicate and compromise. It is essential that roommates appreciate and respect individual differences and each other's needs and rights. While students are encouraged to resolve concerns that may develop as they learn to live together, genuine incompatibility between roommates is inevitable. If roommates find they are having difficulty, the Office of Residence Life has a specific procedure which involves roommate mediation with a Residence Life staff member. Roommates who need mediation are required to fill-out a Roommate Agreement with their Community Advisor or Resident Director. A Roommate Agreement is considered a living document and therefore can be edited or changed. Roommates are required to mediate and re-visit their Roommate Agreement with a Resident Director.
- 6. Cleaning
 - a. Residence Hall common areas and bathrooms will be cleaned at minimum daily by facilities staff. It is expected that students when utilizing these spaces also clean up after themselves. Disinfectant wipes will be provided as supplies allow.
 - b. Students are responsible for cleaning their own rooms with their own cleaning supplies. Cleaning inspections will be part of the bi-weekly health and safety inspection. Spaces that are deemed unclean may be subject to more frequent checks to ensure cleanliness for the greater community.

7. Laundry

- a. Each student will be able to pay for laundry using the laundry app on their smartphones. The app allows students to select and start a machine, as well as see when a cycle is done. Further instructions can be found in each laundry room on campus.
- b. You may not leave your laundry unattended at the end of a washer or dryer cycle for any length of time.
- c. Do not touch anyone's clothes except your own when doing laundry.
- d. Laundry that is left in the machine will be bagged by staff and if unclaimed within 24 hours it will be discarded.

8. Common Area/ Kitchens

- a. Most residence halls have a common area kitchen, with an oven, sink, microwave, and refrigerator. These amenities are meant for community use and are cleaned every weekday by the hall maintenance staff; however, it is still expected of the students to treat these items with respect, by keeping the common areas clean and in working condition. Failure to do so will result in community damage billing.
- b. Kitchen access will be limited to one person at a time maintaining social distancing and face coverings at all times.
- c. Cooking supplies will not be supplied by the college. If students wish to utilize the common kitchen, they must bring their own supplies and store them in their assigned residence hall room.
- d. All cooking supplies must be cleaned immediately after use. Items left behind in a community kitchen will be discarded during regular cleaning by the college.
- e. Common area furniture will be removed as social gathering is not permitted inside the residence hall lounges.

9. Guest Policy (Non-Dean Students)

- a. There will be NO outside visitors other than current Dean College students permitted in the residence halls. This includes daytime and overnight guests.
- b. If anyone comes to drop belongings off, they are only permitted to meet you in the parking lot. Under no circumstances are visitors permitted inside the building.

10. Guest Policy/Visitation with Dean Students

- a. You may have other Dean students in your room within capacity limit: each student can have one guest in their room at a time. Face coverings must be worn when you cannot maintain a social distance of at least 6 feet within a residence hall room.
- b. A "No Congregation" policy in effect in all hallways, lounge spaces and stairwells; individuals must implement social distancing by maintaining a minimum distance of 6 feet whenever possible.

I acknowledge and agree that this information may be shared (a) with College employees as necessary, including without limitation for the purpose of conducting contact tracing, and (b) otherwise as required or permitted by law.

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. In accordance with the College's Parking and Traffic Regulations, First year students may only have a car on campus based on special need (financial, medical, etc.). Special consideration will only be granted after the student has demonstrated this need via writing and a panel of college officials has approved this special request. All requests for special permission must be sent to the Director of Law Enforcement Services and Risk Management.

Failure to register your vehicle with the College may result in a revocation of your parking privileges, fines, towing, and other disciplinary action. Due to the limited number of parking spaces on campus, registered vehicles are not guaranteed a parking space. It is the responsibility of all community members and their guests to read, understand and abide by the college's rules and regulations. Parking is on a first come, first served basis. All rules and regulations apply at all times throughout the year and are subject to change. The community will be notified immediately if there are any changes.

The principal objectives of the traffic rules and regulations are to:

- Provide community members an opportunity to maintain a motor vehicle while attending/working at Dean College consistent with the limitations on space availability.
- Maintain access for emergency vehicles at all times.
- Have appropriate parking available for handicapped, visitors, and community members at all times.
- Provide safety for pedestrians and vehicular traffic at all times.
- Establish a walking campus and thereby minimize congestion, noise, and issues that would detract from Dean College's attractive environment.
- Protect and support the rights of all members of the campus community by sanctioning those that choose not to conform with established rules and regulations.

All students attending Dean College must register their vehicle with the Department of Campus Safety. Registration will take place electronically through the WuFoo App at the close of the Spring Semester (April/May) Decals will be issued according to credits, date of registration submission, and parking compliance history. A parking policy brochure will be provided to all students at the time of move-in. It is the responsibility of all community members and their guests to read, understand and abide by the College's policies.

- All decals issued are valid for one full year.
- Full time resident students are required to pay a fee of \$350 for a decal.
- Full time commuter students are required to pay a fee of \$100 for a decal.
- Part time SCS students are not required to pay a fee for a decal.
- All decals issued shall be affixed to the side rear window on the driver's side of the vehicle.
- A valid driver's license, vehicle registration certificate, and student identification card are required when

registering a vehicle.

- Any stickers from the previous year must be removed.
- Failure to display a current Dean College parking decal will result in a citation and assessment of fines. Continued accumulation of citations may result in towing, loss of parking privileges, or further disciplinary action.
- Cars not registered with the college, improperly registered, or without license plates are not allowed on campus without permission from the Director of Campus Safety. These cars are subject to citations, fines, towing, or other disciplinary action.

Non - Massachusetts Residents: The Commonwealth of Massachusetts requires all students to register out of state vehicles within thirty days of the time the vehicle is brought into Massachusetts. At the time of registration, those students will receive a non-resident student decal, at no extra charge, in addition to their parking decal (to be placed on the top center of the front windshield).

Prohibited Parking Areas

Emergency Access Lanes: Solid yellow lines indicate emergency access lanes. They appear in all the campus parking lots, but are more prominent in front of buildings and on service roads. These areas serve as fire lanes and emergency vehicle access lanes. They are **STRICTLY ENFORCED TOW ZONES**.

Loading Zones: Solid yellow lining and loading zone markings indicate loading areas on campus. Dumpster locations are considered loading zone areas. These areas are **STRICTLY ENFORCED TOW ZONES**.

Public Parking: Students must park in their assigned parking lots. As there is sufficient parking on campus, residential students should never park in town parking lots (i.e., library, town hall) or on adjacent streets (School, Emmons, etc.). Failure to adhere to these parking regulations may result in parking citations, towing by the proper authorities (after 3rd citation), negatively impacted housing selection, loss of driving/parking privileges and/or other disciplinary action.

Day-time Visitor Parking: The areas that are marked "Visitor Parking" are reserved for day-time visitors to Dean College. They are not for faculty, staff or student vehicles, registered or unregistered with Dean College Campus Safety nor are they for guests that will be staying overnight.

Overnight Parking: The only areas where overnight parking is allowed are the Adams, Chapman, and Jones lots. Students parking in these areas must display, on their vehicle, the proper color-coded decal. Guests of students must park in the Jones lot unless the Department of Campus Safety has given prior approval. No overnight parking is allowed in any other campus parking lot for faculty/staff or students with the exception of those areas so designated or with prior approval. Those vehicles left on campus without prior notification to the Department of Campus Safety, are subject to tow.

Handicap Parking: Handicap parking areas are clearly marked. They are **STRICTLY ENFORCED TOW ZONES**.

Dean Drive: Parking and vehicle access is prohibited on Dean Drive. This area serves solely as emergency vehicle access and egress. Those vehicles wishing to access parking by the gymnasium must enter and exit through the School Street entrance. This is a **STRICTLY ENFORCED TOW ZONE**.

Motorcycle Parking

Motorcycle operators are required to adhere to all parking rules and regulations and are obligated to register their motorcycle with the Department of Public Safety. A decal will be issued to operators registering their vehicles. It will be the responsibility of the motorcycle operator to maintain the decal where it can be easily accessed when requested by a Public Safety officer.

Parking

Students who are in the possession of vehicles, should utilize the appropriate parking lots on campus at all times. Parking on the town streets adjacent to the campus is strongly discouraged and may result in citations, towing by the Franklin Police, and loss of driving/parking privileges.

Parking Lot Assignments

Only vehicles displaying a current issued decal are authorized to use Dean College designated parking lot areas. Vehicles must be parked in the assigned lot at all times. Vehicles found in lots other than the assigned lot will be subject to citations, fines, towing, and/or further disciplinary action.

Traffic Rules

- Vehicles must not park on any land or grass area not specifically marked as a parking area.
- Vehicles must not park on any roadway, crosswalk, sidewalk or walkway.
- Vehicles must not park in any marked or posted fire lane, no parking zone, non-defined parking areas or any area not specifically designed or marked for vehicle parking.
- Vehicles must park only in the areas in which the color of the decal matches the required lot.
- The speed limit on the college campus is 15 mph unless otherwise posted.
- Observe and obey all related parking signage.
- Campers are not allowed to park on campus.
- The repairing, washing or waxing of vehicles is prohibited in college parking lots, unless otherwise approved.
- Observe all crosswalk markings by allowing pedestrians the right of way.
- Do not drive or park on walks, paths or grassy areas.
- Vehicles must be parked within lined spaces; no double space parking.

Temporary Parking Permits

Temporary parking permits are issued by the Department of Campus Safety when:

- A faculty/staff member or student who has been issued a parking decal finds it necessary to bring a different vehicle on campus.
- A faculty/staff member or student wishes to invite a visitor to Dean College. Students and faculty/staff may obtain special medical temporary permits if a request is accompanied by a doctor's explanation and request. The request is necessary for the issuance of a permit. All medical permits are valid for up to 6 weeks. Issuance of another permit after 6 weeks requires another doctor's request.

Towing Policy

Dean College Department of Campus Safety will utilize towing as an element of enforcement. Operators can avoid having their vehicles towed by adhering to the parking rules and regulations.

The following violations subject your vehicle to towing:

- Vehicles parked in a handicapped parking space without proper permits issued by the Commonwealth of Massachusetts.
- Any vehicle parked overnight in the Commuter lot, Chapman lot, Dean Hall lot or any other area not designated for overnight parking without prior permission.

- Vehicles that have received three or more violations.
- Vehicles parked in areas designated as tow areas.
- Vehicles abandoned on Dean College property (cost attributed to the last known owner).
- Revoked parking privileges.
- Interfering with snow removal.
- Emergency situations when deemed necessary for the safety and well being of the community.

Any towing, storage fees and charges are in addition to any fines imposed and are the sole responsibility of the owner or person in possession of the vehicle.

Students or faculty/staff violating Dean College Parking and Traffic Violations will be fined between \$5 - \$25.

The College assumes no financial or other type of responsibility for loss or damage to student vehicles while parked on College property. Any claims must be submitted to the individual's insurance agent. The College will not provide any type of reimbursement (to include insurance deductibles) for losses or damages.

All vehicles must maintain the minimum level of compulsory insurance as required by state law.

Appeals

You have the right to an appeal hearing, if you so desire. You may obtain an appeal form at the Campus Safety Office at any time. Your completed appeal form must be returned no later than seven days from the date on your original ticket. After seven days, you will be considered delinquent and all fines will be payable. A written response addressing the appeal will be forwarded communicating the outcome of the appeal after review by the Parking Board, whose members include a campus official, the Campus Safety Manager and a Dean College student. Should you wish to contest this verdict, a written request must be sent to the Chief of Law Enforcement Services within three days of your appeal decision. The lack of knowledge of these rules and regulations and / or parking in violation for a short period of time will not be an acceptable reason for appealing a violation.

Revocation of Privileges

The Dean College Department of Campus Safety reserves the right to revoke or restrict the operating and/or parking privileges of any individual, at any time, for just cause relative to violations of any and all traffic regulations. Revocation or restrictions will be determined by either the Director of Campus Safety and/or the Dean of Students or their designee. Actions will be communicated in writing to the individual.

Snow Removal

During or after a significant snowfall, students will be directed as to when and where to move their vehicles to allow for proper snow removal. It is the students' responsibility to move their vehicles at the appropriate time. Failure to do so may result in towing or blocking cars in with snow (depending on the availability of a towing service). Students should refer to the Snow Removal Plan, published by the Department of Campus Safety, for policies and procedures regarding the snow removal schedule and specific student responsibilities. Generally, snow removal will begin in the Dean and Campus Center parking lots and therefore, it is imperative that resident students not park in these lots unless instructed to do so by Public Safety. Additionally, it is important for students to remember the following in the event of a snowstorm:

1. All vehicles must be registered with the Department of Campus Safety and have a valid decal placed in the appropriate location. Also, students must register all guests with Public Safety and have them park in their assigned parking lots. Failure to do so makes it difficult for Public Safety to notify vehicle owners and may result in cars being towed.
2. All student or guest vehicles will have to be moved during or after a significant snowfall in order for plowing to occur. "Snow Monitors" (appointed by Public Safety), voice mail messages, snow flag notification and signs posted at parking lots and within buildings will direct students as to when and where their vehicles need to be moved. Facilities will also use traffic cones to block off certain areas of parking lots, allowing them to clear one section at a time. Students with vehicles must make sure not to park on the side marked for snow removal.
3. Students and guests should not leave their vehicles unattended during a snowstorm. Facilities cannot simply plow around them. If a student or guest is unable to return to campus to move a vehicle, he or she should attempt to have a friend on campus move the vehicle. Individuals who are having difficulty moving their car for any reason should notify the Department of Campus Safety immediately by calling 541-1888.

While snowstorms are often unpredictable, all efforts will be made not to inconvenience students as much as possible.

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 Director of Law Enforcement Services and Risk Management or the Director of Campus Safety.