

STUDENT CONDUCT CODE

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*Effective as of May 1999

CODE OF STUDENT RIGHTS AND RESPONSIBILITIES

I. PREAMBLE

College students are recognized as being both citizens in the larger community and members of an academic community. In their roles as citizens, students are free to exercise their fundamental constitutional rights and responsibilities under local, state and national laws are neither abridged nor extended by a student at Salem State College. However, as members of the academic community, students are expected to fulfill those behavioral responsibilities which accompany their membership and which are necessary to the College's pursuit of its stated goals. These behavioral responsibilities are stated in College publications such as *The Compass*, *Student Conduct Code*, and *The Guide to Residence Hall Living*. It is expected that the conduct of all students will be consistent with the educational purposes of the institution and in no way will interfere with the functions of the College as it seeks to fulfill that purpose. Consequently, individual and group behavior which inhibits members of the community, i.e., students, faculty and administrators, from carrying out their respective educational tasks and duties is unacceptable. Policy violations committed by students will be handled through the College judicial process which has been established to resolve complaints of student misconduct. The judicial process is designed to protect due process rights and to reach decisions that are in the best interest of both the students and the College.

II. APPLICATION AND JURISDICTION

A. Application

1. These regulations and any amendments shall apply to all part-time and full-time undergraduate and graduate students at Salem State College, and shall be considered part of the conditions of admission and enrollment of such students. Unless students have officially withdrawn from the college, they are assumed to be in continuous enrollment, including students on a leave of absence. As such, they are subject to the disciplinary regulations and procedures which follow. Judicial sanctions will affect a student's status whether they are enrolled in the Day College or Division of Graduate and Continuing Education.
2. In case of any conflicts or inconsistencies with any other rules, regulations, policies, and directives existing, these regulations shall govern and shall be enforced by the President of Salem State College.
3. The College, upon recommendation from the appropriate governance committees, reserves the right to alter any or all of the judicial system. Reasonable notice shall be furnished to the college community for any substantial change.
4. Salem State College is dedicated to the maintenance of a judicial system which reasonably represents the best interest of all members of the College community.
 - a. It is the policy of Salem State College to offer opportunities for judicial board participation and to insure equality of treatment of students charged with College violations without regard to race, religion, age, disability, sex, sexual orientation, or national origin.
 - b. In implementing this policy, the College follows the guidelines and requirements of Title VI of the Civil Rights Act and Title IX of the Higher Education Act of 1972 as well as state and federal regulations regarding equal employment and affirmative action.

B. College Jurisdiction

The rules of conduct that are outlined in these regulations are designed to promote the welfare of the community by preserving an environment in which reasoned debate and the pursuit of learning can flourish. These rules will therefore govern the following conduct:

1. Conduct that occurs within the physical bounds of the North and South Campuses or in any College-related activity, including a sporting event, a field trip, or the like;
2. Conduct, wherever it occurs, that occurs while a student is attending or participating in any College-related activity, including a sporting event, a field trip, or the like;
3. Conduct, wherever it occurs, that calls in question a student's suitability as a member of the academic community, including acts of violence, the sale or possession of drugs, violations of another's civil rights and acts against persons and property.

III. PHILOSOPHY OF SYSTEM

The Judicial Program: An Overview

1. The College's approach to student discipline is an educative and preventative one. Discipline is not the concern of the entire College community, the student body, faculty, administration, and staff. It is in the belief that representative student groups should share responsibility with other College personnel for enforcing campus policies and rules, the College makes provisions in its judiciary program for to adjudicate most cases of student conduct.
2. Participation on a judicial board represents one of the clearest examples of meaningful student involvement in institutional self-governance at Salem State College. Board members are dedicated to the maintenance of a system which keeps in mind the needs of the College in preserving an atmosphere of order conducive to the pursuit of educational goals and, at the same time, one which fully protects the rights of all of the college community.
3. The overall administration of discipline at the College is the responsibility of the Student Life Division in cooperation with the Student Government Association.

IV. CONDUCT REGULATIONS

Listed below are those types of conduct which constitute grounds for disciplinary action. Any student who is attempting, encouraging, assisting, permitting, or inciting any of the following types of conducts is subject to such action. In addition to these regulations, the College may from time to time develop internal policies or regulations which pertain to specific situations. Approved changes will be promptly conveyed to the College community.

- 1.0)** Violations of the rights of another member of the academic community;
 - 1.1) Violations of any person's civil rights.
- 2.0)** Behavior which jeopardizes the safety or well-being of other members of the College community or persons coming onto College property. This includes, but is not limited to:
 - 2.1) Harassment of members of the College community or persons coming onto College property;
 - 2.2) Statements intended to defame character;
 - 2.3) Physical abuse;
 - 2.4) Verbal abuse;
 - 2.5) Written abuse of an individual;
 - 2.6) Threats to another person;
 - 2.7) Any act of violence;
 - 2.8) Inappropriately touching a person.

- 3.0)** Sexual assault; 3.1) Sexual harassment; 3.2) Rape; 3.3) Acquaintance rape.
- 4.0)** Loud [conduct]; 4.1) Disorderly conduct.
- 5.0)** Violation of College Hazing Policy.
- 6.0)** Forcible detention of anyone on College Property.
- 7.0)** Interference with firefighters, police officers, or other persons engaged in performance of the official duties.
- 8.0)** Violation of fire regulations. This includes, but is not limited to: 8.1) Failure to comply with evacuation procedures; 8.2) Tampering with fire protection apparatus; 8.3) Making or attempt make false fire alarms; 8.4) Unauthorized use of electrical equipment; 8.5) Setting fires and/or attempting to set fires.
- 9.0)** Unauthorized possession of and/or use of loaded or unloaded firearms, or other instruments could be considered weapons, fireworks, and open flame devices.
- 10.0)** Possession or use of bombs or other explosive devices; 10.1) The threat, verbal or written, that such bombs or explosive devices have been or may be implanted in or upon any property or building of the College.
- 11.0)** Destruction [of another's property or of College property]; 11.1) Impairment [of another's property or of College property]; 11.2) Abuse [of another's property or of College property]; 11.3) Misuse of another's property or of College property.
- *12.0)** Violation of College alcoholic beverage policy; e.g., 12.1) Unauthorized possession [of alcoholic beverages]; 12.2) Unauthorized sale [of alcoholic beverages]; 12.3) Unauthorized use [of alcoholic beverages]; 12.4) Manufacture [of alcoholic beverages]; 12.5) Distribution of alcoholic beverages on college property without proper approval; 12.6) Possession of commercially prepared alcohol containers (i.e., kegs, beerballs, etc.); 12.7) Possession of bulk alcoholic beverages; 12.8) Behavior negatively impacted by use of alcohol.
- *13.0)** Possession [of illegal drugs]; 13.1) Use [of illegal drugs]; 13.2) Sale [of illegal drugs]; 13.3) Distribution [of illegal drugs]; 13.4) Manufacture of illegal drugs; 13.5) [Possession, use, distribution, or manufacture] of drugs (e.g., narcotics, stimulants, depressants, hallucinogens) or drug paraphernalia for which the required prescription has not been obtained.
- 14.0)** Violation of campus guest regulations - student hosts are responsible for their guests' actions.
- 15.0)** Falsification [of any official College document or record]; 15.1) Forgery [of any official College document or record]; 15.2) Modification of any official College document or record. This includes but is not limited to: identification cards, absence excuses, and service applications and agreements.
- 16.0)** Furnishing false information; 16.1) [Furnishing false information to] a College official; 16.2) [Furnishing false information to] an office; 16.3) [Furnishing false information to] a disciplinary committee.
- 17.0)** Unauthorized use of the College name.

* NOTE: The College will notify the parents of students who are less than 21 years of age of all violations of these changes.

- 18.0)** Failure to comply with a reasonable order of [any properly identified member of the College administration, security force, or other staff or faculty engaged in the performance of official duties]; 18.1) [Failure] To provide identification to, any properly identified member of the College administration, security force, or other staff or faculty engaged in the performance of official duties.
- 19.0)** Theft; 19.1) Attempted theft; 19.2) Unauthorized use of another's or College funds or property; 19.3) Possession of another's or the college funds or property.
- 20.0)** Unauthorized entry into [any college building or facility]; 20.1) Unauthorized presence in any college building or facility; 20.2) Unauthorized possession [of College keys]; 20.3) Unauthorized use of College keys.
- 21.0)** Obstruction of [any College academic or co-curricular activities]; 21.1) Disruption of [any College academic or co-curricular activities]; 21.2) Interference with any College academic or co-curricular activities.
- 22.0)** Violation of policies on demonstrations; 22.1) [Violation of policies on] Assemblies; and 22.2) [Violation of policies on] Related use of amplifying equipment.
- 23.0)** Violation of local, state, or federal law that directly hampers the College's pursuit of its educational purposes or that calls in question the student's suitability as a member of the College community.
- 24.0)** Violation of College policies on solicitation or sale of material on campus; 24.1) [Violation of College policies on] Holding a raffle; 24.2) Lottery on College property without proper College or other necessary approval.
- 25.0)** Gambling, including betting on sporting events.
- 26.0)** Violations of the conditions of any disciplinary sanctions imposed by a hearing body or administrative settlement.
- 27.0)** Failure to meet a financial obligation to the College. This includes, but is not limited to: 27.1) Refusal to pay delinquent accounts; 27.2) Use of worthless checks or money orders in payment to the College for tuition, room, board, library fines, traffic penalties, etc.
- 28.0)** Violations of Campus Building Regulations.
- 29.0)** Violation of Residence Hall Occupancy Agreement and related residence hall policies.
- 30.0)** Violation of food service policies.
- 31.0)** Violation of College motor vehicle regulations.
- 32.0)** Introducing a virus into a college or student owned computer; 32.1) Unauthorized entry into [computer] file to use, read or change contents; 32.2) Unauthorized use of another's [computer] password; 32.3) Use [of a college or student owned computer] to send obscene or abusive messages and/or use [of a college or student owned computer] to interfere with normal operations of the College's systems.

NOTE: *Academic dishonesty situations should be referred to the Academic Affairs Office.*

V. SEXUAL ASSAULT

Salem State College will not tolerate sexual assault in any form, including acquaintance rape. Where the probable cause to believe that the College's regulations prohibiting sexual assault have been violated, the College will encourage the alleged victim to pursue disciplinary action through the student judicial system. Disciplinary sanctions for sexual assault violations may include suspension, dismissal or expulsion from College. A student charged with sexual assault can be prosecuted under Massachusetts criminal statute and disciplined under the college's student judicial system. In those instances in which criminal justice authorities choose not to prosecute a student for involvement in an alleged sexual assault, the victim retains the right to pursue disciplinary action within the student judicial system.

In cases of alleged sexual assault, both the person bringing the charges and the student accused shall be advised by the Judicial Board Procedural Advisor to state a preference for either a hearing panel of students or a hearing panel of administrators, composed of both genders, to adjudicate the case. When both parties agree on the type of hearing panel, the panel requested will be scheduled from among the eligible students or administrators. If one party requests a student panel, while the other party requests an administrative panel, then a board of a minimum of three students and two administrators will be scheduled from among the eligible students and administrators. Training shall be provided to all members of such panels.

A. Sexual Assaults

1. Types: Acquaintance rape, gang rape, stranger rape, sexual harassment.
2. Definitions:
 - 2.1 Rape: Forced sexual intercourse, or oral, anal, vaginal penetration by, or union with, the sexual organ of another, or the anal or vaginal penetration of another by any other object, that is perpetrated against the will of the victim. The type of force employed may involve physical violence, coercion or threat of harm to the victim.
 - 2.2 Sexual Harassment: Sexual harassment is defined as objectionable, unwanted sexual attention either by a person in a position of authority or power or from a peer. Sexual harassment also can involve verbal or written communication of a sexual nature that create an intimidating, hostile or offensive educational living or work environment.
 - 2.3 Acquaintance Rape: Acquaintance rape is sexual intercourse undertaken by a friend or acquaintance without the consent of the victim. Acquaintance rape occurs when a person is forced to have sexual intercourse over his or her objections or as a result of threats, physical restraints, or physical violence.
3. Reporting procedures: Due to the physical and emotional trauma that often occurs as a result of sexual assault, the victim may initiate College disciplinary charges within six (6) months of the alleged incident. Reports should be made in accordance with the procedure explained in Section VI, "Procedural Safeguards".
4. Fundamental Rights of Victims During Disciplinary Proceedings.
 - a. It is the right of the victim to choose a person or persons to accompany her to him throughout disciplinary hearing.
 - b. It is the right of the victim to be present during the entire disciplinary proceeding.
 - c. It is the right, in the same manner as established in the Massachusetts Criminal Code, not to have her or her past sexual history discussed during the hearing.

- d. It is the right of the victim to have access to the names of all witnesses that may appear at the disciplinary hearing. These names must be provided by the student(s) charged to the Judicial Board Procedural Advisor at least four (4) calendar days before the hearing.
5. Victim Impact Statement

The Victim Impact Statement is an opportunity for the victim to explain to the hearing body the emotional, physical, financial, and educational impact of the alleged incident. This statement may be included in the hearing record during the complainant's final remarks. A standard Victim Impact Statement is available from the Judicial Board Procedural Advisor.

VI. PROCEDURAL SAFEGUARDS

In order to provide an orderly procedure for the handling of disciplinary cases using the principles of due process and basic fairness, the following safeguards will be accorded to all students:

1. Students have access to the "Notification of Complaints", names of accusers and witnesses; and any written evidence, or other pertinent papers which may be used against them. Reports must be submitted within thirty (30) days of the alleged incident unless the deadline is waived by the Judicial Board Procedural Advisor. The Judicial Board Procedural Advisor may waive the time limit at his/her discretion in any situation including, but not limited to, incidents of alleged sexual assault or harassment and instances in which criminal charges may be pursued. The decision of the Judicial Board Procedural Advisor as to whether to waive the time limit shall be final. This information will be available in the Judicial Affairs Office, Residence Life Office or Resident Director's office, as appropriate.
2. Cases will be heard by a student judicial board except in cases of alleged sexual assault or during emergency situations, as determined by the Judicial Board Procedural Advisor. When multiple parties are involved in the same incident the Judicial Affairs Office will determine whether the cases will be heard together or separately.
3. Students have the right to a pre-hearing conference with the Judicial Affairs professional staff member and/or the S.G.A. Judicial Representative for the purpose of reviewing hearing procedures and other aspects of the judicial system. In addition, students may use this opportunity to waive their right to a hearing and accept disciplinary action from the professional staff member.
4. In those cases in which the student admits responsibility for a violation and requests a waiver of a hearing, a Judicial Affairs professional staff member may impose a disciplinary sanction. The staff member may consult with the S.G.A. Judicial Committee chairperson or designee prior to taking action. If the student accepts the action taken by the staff member, he/she will confirm his/her agreement by signing a "Waiver of Hearing Form". If the student does not accept the sanction offered, the case will be referred for a hearing.
5. Failure to contact the appropriate Student Life Staff member to schedule a pre-hearing conference will automatically result in a finding of "responsible" of all alleged violations. A student retains the right to appeal such a decision by following the established appeal procedures.
6. Students who want a hearing will be sent written notification of the date, time and place of any hearing at least four (4) calendar days before the hearing to permit a reasonable amount of time to prepare themselves.

- *7. The Judicial Affairs Office will consider all complaints to determine if the incident warrants disciplinary action. In cases where disciplinary action is warranted students will be sent or given a written statement of the charges against them, the source of such charges, and the conduct regulation(s) upon which charges are based.
8. A hearing body may consider several "Notifications of Complaints" naming a particular student at same time. The hearing body may recommend a sanction based on the total number of "responsible findings from such complaints.
9. Students have the right to an advisor of their choice, who may be present at any hearing to counsel student charged. The advisor may not address the board on behalf of the student.
10. All hearings will be closed to the public and all proceedings will be considered confidential. Attendance at hearings will consist only of the members of the hearing body, the student(s) charged and an advisor(s), the Judicial Board Procedural Advisor, person(s) bringing charges and an advisor(s), and witnesses for both sides. A Student Government Association Judicial Committee representative may be present.
11. Challenges to members of hearing bodies may be initiated by the student charged or by the person bringing charges. These requests must be brought to the attention of the Judicial Affairs Office before the hearing body convenes. The Judicial Board Procedural Advisor or designee will determine whether there are grounds for the challenge.
12. The Judicial Affairs Office will consider a substantiated request for postponement of a hearing if the request is presented in writing to the hearing body at least forty-eight (48) hours in advance of the hearing date. Such requests may be made by the student charged or the person bringing charges. If the request is granted, the hearing will be held at the earliest possible date and time determined by the hearing body. If the request is denied, the hearing will be held at the originally scheduled date and time.
13. Accused students may elect not to appear at a hearing. The hearing, however, will be held in their absence provided appropriate notification has been made. Students may be asked to leave a hearing if their behavior is deemed inappropriate by the hearing body. Students retain the right to submit a statement which includes any information or facts they wish to have the hearing body consider in review of their case.
14. Unless students choose not to appear at a hearing, all evidence against them will be presented in their presence.
15. Students have the right to enter a plea of: not responsible, responsible, or no response at any hearing.
16. Students will be permitted to call and cross examine witnesses and to speak or present evidence on their own behalf.
17. The burden of proof will rest with those bringing the charges against any student, and students will be presumed not responsible until proven responsible. The standard of proof used in student judicial proceedings will be to use a "greater weight of the evidence" test.
18. It is the responsibility of the Judicial Board to find the accused either responsible or not responsible for an alleged violation. If the finding is "responsible" the board will recommend a sanction of the Judicial Board Procedural Advisor or designee who will determine the appropriate sanction. Such a decision must be made within three (3) working days of the hearing.

* NOTE: *Pending approval by the All College Committee.*

19. All decisions will be based only on the evidence presented before the hearing body, but previous and current disciplinary action taken against students will be used in the determination of the sanction.
20. A tape recording of the hearing will be made, and students involved in the cases will have access for the purpose of the appeal.
21. Written notification of the sanction will be mailed to the parties involved within seven (7) calendar days after the conclusion of the hearing.
22. Except where students have waived the right to a formal hearing, students have the right to appeal a decision of the hearing body within three (3) calendar days of the date of receipt of the written decision by them (in accordance with the procedures described in the section on appeal). If the third day falls on a weekend or holiday, the time is extended to the next regular working day of the College.
23. A student found "responsible" for an offense by a hearing board/panel shall remain on a disciplinary status and comply with any additional stipulations of the hearing body pending the outcome of an appeal.
24. Formal rules of evidence shall not be applicable to disciplinary hearings. Hearing bodies may admit any testimony, written document, or other material which they believe are relevant to the determination of the charges.
25. Official records of disciplinary action will be maintained on file in the Judicial Affairs Office (in accordance with the procedures described in the section on records) and will not be released to individuals outside the institution except by the written authorization of the student involved or under the conditions specified in the "Family Rights and Privacy Act of 1974" and its amendments.
26. All students have the right to continue in their student status until the conclusion of a judicial hearing. However, in cases where a student's continued presence constitutes a danger to himself/herself, to others, to College property, or to the orderly functioning of the College, he/she may be temporarily suspended immediately by the President of the College with the option for the preliminary hearing by the Vice President of Student Life or designee within 24 hours after the suspension (in accordance with the procedures described in the section on emergency procedures).
27. Once judicial action has been initiated against a student, any attempt to intimidate and/or harass witnesses, and/or the person bringing the charges, will be considered as part of the evidence presented in the case.
28. If, during a hearing, a student admits responsibility for the violation of which he/she has not been charged, he/she can, following the hearing, be charged for said violation.
29. Tape recordings of the hearings are erased at the end of each semester unless they are being used for an appeal hearing.

VII. HEARING PROCEDURES

The hearing bodies may find it necessary to remind parties and advisors that the proceedings are not criminal or civil trials, that criminal or civil standards of due process and rules of evidence are not controlling, that the hearing bodies enjoy considerable discretion within the procedural requirements of the system, and that a just and fair decision may be obtained. Although the specific hearing procedures may differ from one hearing body to the next, the following general rules of procedures shall govern all disciplinary proceedings:

1. The students charged will be called before the body, and the chairperson will state the specific charge against the student.
2. Statement of Response: The student charged is asked to enter a response of “responsible”, “not responsible”, or “no response” to the charges as read.
3. Parameters for discussion shall be established by the hearing body.
4. Opening Statements: the student charged and the person(s) bringing the charges are asked to briefly outline the facts they intend to present during the hearing.
5. Presentation of Witnesses and Evidence by Person(s) Bringing Charges: The persons bringing the charges present their statement of facts and call witnesses to support their charges. The student charged and the hearing body may question the person bringing charges and the witnesses as each finishes his/her testimony.
6. Presentation of Witnesses and Evidence by the Student Charged: The student charged presents his statement of facts and call witnesses to respond to the evidence against him/her. The person bringing charges and the hearing body may question the student charged and the witnesses as each finishes her testimony. Witnesses may be asked to remain or leave the hearing room as required by the hearing body.
7. Recall of Witnesses - The hearing body will permit both the student charged and persons bringing charges to recall any witnesses for the purpose of clarification or corroboration of previous testimony.
8. Closing Statements - Both parties may summarize their testimony and highlight any specific information they wish the hearing body to consider in its deliberation. The parties may provide justification regarding their position in respect to the charges and may recommend possible sanctions.
9. Deliberation by Hearing Body - All persons other than the hearing body and its advisor and Student Government Association Judicial Committee representative will leave the hearing room, and the deliberations will begin. If the hearing body needs more information, it may reconvene the hearing to seek necessary clarification. The standard of proof used in student judicial cases will be to use a “preponderance of the evidence” test.
10. The hearing body shall send its rationale for finding the student(s) responsible for a violation to the Judicial Board Procedural Advisor or designee. The Judicial Board Procedural Advisor or designee will consider all pertinent information prior to deciding on an appropriate sanction for the offense.
11. Written notification of the sanction imposed will be sent to both parties.

VIII. JUDICIAL CODE OF ETHICAL STANDARDS

Members of hearing bodies play a vital and sensitive role within the institutional governance structure. Because of the nature of their work, it is important that they maintain the highest performance and ethical standards. The following code of ethics is designed to safeguard the rights of students involved in disciplinary situations and to uphold the integrity of the College community as a whole.

1. The name or status of any student involved in a disciplinary situation should not be discussed with anyone outside the hearing body membership.

2. The manner in which a judicial hearing body member votes in a case is confidential and should not be shared with anyone outside the hearing room.
3. The chairperson of the hearing body or designee shall be the official spokesperson for the hearing. The final hearing body decision on any matter is to be conveyed to the student charged only by the professional staff member in the Judicial Affairs Office.
4. Members of the student judicial boards should serve as models for other students by upholding College regulations and performing their duties in an exemplary manner.
5. Members of student judicial boards are obligated to disqualify themselves if they have prior knowledge about the incident or other knowledge which will impair their ability to judge the case impartially.

IX. JUDICIAL BODIES AND THEIR JURISDICTION

Campus Judicial Board and Administrative Hearing Panel

These bodies shall be composed of a minimum of three (3) undergraduate student members and/or administrators who shall serve on a rotating basis. The names of those individuals selected to serve as members shall be submitted as a point of information prior to serving by the Judicial Board Procedural Advisor to the Student Government Association. These board members shall complete a training program coordinated by the Judicial Board Procedural Advisor. A chairperson shall be selected by a majority of the Board. The chairperson's duty shall be to preside at the hearing. The chairperson shall be able to vote in the determination of the student charged. The Board shall have original jurisdiction over cases involving a violation of College regulations by undergraduate students. A professional staff member from the Student Life Division shall serve as the Procedural Advisor to the Judicial Board.

Advisor

The advisor to the hearing bodies shall serve in the capacity of a consultant on procedural matters. The advisor may assist the hearing body during their deliberation. The advisor shall not give any testimony germane to the disposition of the case.

Membership Criteria for Judicial Bodies

- A. Applicants for any student vacancy on a judicial board must meet the following qualifications:
 1. Satisfactory academic progress as defined by the College.
 2. Not currently on any disciplinary status.
- B. Any judicial board member formally charged with a violation of the judicial code will be temporarily relieved of his/her judicial duties pending the outcome of an investigation of the complaint by the Judicial Affairs Office.
- C. A judicial board member will be removed or suspended from his/her position if found responsible for violating the College's judicial code or if he/she is no longer in good academic standing.
- D. No judicial board member may concurrently serve in any other capacity at the College which presents a conflict of interest. Specifically, no active Resident Assistant or member of the Student Government Association Executive or Legislative branch may serve on any standing judicial board.

X. APPEALS

Any decision of a hearing body which affirms the charges against a student may be appealed to the Dean or designee by the student found responsible by the board. In those cases when it has been recommended that a student be suspended, dismissed, or expelled from the College, the student shall have the right of appeal directly to the Vice President for Student Life or designee. In all cases, the request for appeal must be submitted in writing to the Judicial Affairs Office within three (3) calendar days of the receipt of the original written decision by the student. If the third day falls on a weekend or holiday, the time is extended to the next regular work day. The original decision of the hearing body shall be final and conclusive, if no appeal is made within the prescribed time period.

1. The possible criteria for appeal are whether:
 - a. the original hearing was not conducted in conformity with established procedures.
 - b. there is new evidence or relevant facts not brought out in the original hearing which was not available at the original hearing.
 - c. the sanction imposed was inappropriate for the offense committed.
2. All requests for appeal must outline the following:
 - a. Any appeal based on criterion "a" must include all of the following:
 - 1) Citation of specific procedural errors with appropriate reference to the Student Conduct Code;
 - 2) Reason(s) why procedural error was not mentioned in the original hearing;
 - 3) Reason(s) why correction of error can contribute to a decision other than that which was originally made;
 - b. Any appeal based on criterion "b" must include all of the following:
 - 1) Nature of the new evidence;
 - 2) Name(s) of anyone who will present this evidence;
 - 3) Reason(s) why evidence was not discussed at original hearing;
 - 4) Reason(s) why evidence can contribute to a decision other than that which was originally made;
 - c. Any appeal based on criterion "c" must include specific information indicating that the sanction is unreasonable in light of the conviction.
3. The following general rules of procedure shall govern all appeal proceedings:
 - a. The appellant may submit any additional supporting papers, testimony, and evidence at the time the appeal request is filed.
 - b. The reviewer will consider the request for appeal, the tape recording of the original hearing if deemed necessary, and all case materials. He or she shall then determine whether the basis for appeal is legitimate.
 - c. If the reviewer determines that the appeal does not meet any of the criteria for appeal, the appellant will be notified in writing three (3) days after the date of decision.
 - d. The reviewer may affirm or modify the decision and/or sanction, or he/she may determine that an appeals hearing is necessary.

- e. If the reviewer determines that the appeal meets any of the criteria for appeal, the appellant will be notified and an appeals hearing will be scheduled at least three (3) days from the date of receipt of the notification by the appellant.
4. The appeals hearing will generally include the following:
 - a. The chairperson of the original-level hearing.
 - b. The appellant, the person bringing charges, and advisors for either party may be present. Witnesses for either side are excluded from the meeting room at this time.
 - c. Opening statements - the appellant shall outline the justification for the appeal, and the person bringing charges shall be given a chance to respond.
 - d. The remainder of the appeals hearing shall concern itself solely with the grounds presented for appeal. The sequence of procedures will be essentially the same as at the original hearing. A rehearing of the original case will not be conducted.
 - e. The reviewer may affirm, mitigate, (lessen, including reversal) or remand (return) the decision of the original hearing body with specific instructions.
 - f. Pending the outcome of the appeal hearing, the disciplinary sanctions stipulated in the original hearing shall be imposed.
 - g. Under normal circumstances, an appeal shall be heard within fourteen (14) calendar days after being filed in the Judicial Affairs Office.
 - h. The Dean of Students or designee is the final appellate level for students receiving sanctions of anything less than suspension, dismissal or expulsion from the college.
 - i. In those cases when it has been recommended that a student be suspended, dismissed, or expelled from the College, the student shall have the right of appeal to the Vice President for Student Life or designee. This appeal must be filed within three (3) calendar days of receipt of the written decision of the hearing body. The President or designee is the final appellate level for sanctions of suspension, dismissal or expulsion from the College. This final appeal must be filed within three (3) calendar days of receipt of the written decision of the Vice President for Student Life.

XI. EMERGENCY PROCEDURES

A. Interim Suspension from the College

If the President of the College or designee determines that the continued presence of a student on campus constitutes a serious danger to the orderly operation of the College or the safety or welfare of members of the College community, including the student him/herself, the President may sign an order imposing interim suspension from College.

1. The interim suspension may be imposed immediately with the option by the accused student to have a preliminary hearing within 24 hours before the Vice President for Student Life or designee/and if desired by the accused student, the S.G.A. Judicial Committee chairperson or designee.
2. The preliminary hearing shall be concerned solely with:
 - a) discussion of the nature of the charges and their sources.
 - b) establishment of a date for a formal hearing which normally shall be scheduled within seven (7) days of the effective date of the interim suspension, unless the student chooses to administratively waive the case at this time.
 - c) provision of an opportunity for the student to show cause why he/she should not be suspended.
3. Unless modified by the President, the student's activities during the interim suspension are subject to the same restrictions and conditions set forth under regular suspension. Interim suspension shall continue until a hearing results in reinstatement of the student to the College and the residence hall (if applicable).
4. Hearing and appeals procedures for the formal hearing will be the same as those prescribed for any other disciplinary case.
5. If the formal hearing body recommends suspension, dismissal, or expulsion, the interim suspension shall continue during any period of appellate review.
6. If the student is found not responsible, he/she will be immediately reinstated into the residence hall in which he/she has been a resident. However, the student shall not be entitled to a refund for the time period he/she was removed from the residence hall in accordance with the "Residence Hall Occupancy Agreement" "Guide to Residence Hall Living."
7. Unless the student is suspended, dismissed, or expelled from the College as the result of the hearing process, he/she will be permitted to make up all academic classwork and examinations missed during the interim suspension period.
8. Resident students will normally be given no more than two (2) hours to vacate the residence hall when interim suspension is imposed. To the extent feasible, the resident director will assist a temporarily suspended resident in storing his/her belongings if requested.

B. Interim Suspension from Residence Halls

If, as the result of conduct violations, the Vice President for Student Life or designee determines that the continued presence of a residence hall student constitutes a serious danger to the orderly operation of the residence halls or the safety or welfare of other residence hall students, including the student himself/herself, the Vice President for Student Life or designee may impose interim residence hall suspension to temporarily remove that student from the residence halls. The guidelines for interim suspension outlined above shall apply, but with the following modifications:

1. The student shall not be permitted to live in or to visit the residence halls. Interim residence hall suspension shall continue until either an original level hearing body or appellate reviewer reinstates student to the residence hall (modifies section XI.A.3).
2. In some cases, the student may not be permitted to continue, during the period of residence hall suspension, any College meal plan in which he/she is a participant. The types of conduct violations which may result in interim residence hall suspension include, but not limited to:
 - a. Bomb threats;
 - b. False fire alarms (pullboxes, smoke detectors, etc.);
 - c. Physical abuse or assault of another person;
 - d. Verbal intimidation or threats directed toward another person;
 - e. Sexual assault, sexual harassment, rape or acquaintance rape of another person;
 - f. Possession or use of firearms or other weapons;
 - g. Possession, use, sale, distribution, or manufacture of illegal drugs;
 - h. Malicious vandalism or theft to the physical plant or to the personal property of another resident;
 - i. Possession of commercially prepared alcohol containers (i.e., kegs, beerballs, etc.) in restricted areas or possession of bulk alcoholic beverages.

The authority of the Vice President for Student Life or designee to impose interim residence hall suspension shall in no way abridge the President's right to invoke interim suspension of the student from the College defined in these procedures. In those instances where the Vice President for Student Life or designee determines that interim suspension from the College rather than interim residence hall suspension should be imposed, he/she shall forward a recommendation to the President.

C. Interim Residence Hall Relocation

When sufficient evidence exists to believe that a student had committed a serious violation of the judicial code, or if a student's continued presence in a residence hall constitutes a disruption to its orderly operation, the Director of Residence Life or designee may temporarily relocate the student to another residence pending a hearing. The accused student may be restricted from visiting specific residence facilities during the period of the relocation.

D. Administrative Hearing Panels

In the event that a sufficient number of trained student judicial board members are not available or unable to serve on a case, an administrative hearing panel can be utilized in an effort to expedite due process. An Administrative Hearing Panel will consist of three (3) administrators, composed of both genders, and will only be called based on the determination of the Judicial Board Procedural Advisor.

E. Hearing Officer

In the event that a sufficient number of trained student judicial board or administrative hearing panel members are not available to serve on a case, a hearing officer can be utilized for cases in which the possible sanctions that may be imposed are less than any form of separation from the residence halls or the College. The Hearing Officer will be a professional administrator.

XII. DISCIPLINARY SANCTIONS

The possible actions available to the Judicial Board Procedural Advisor or designee are described below

- A. Case Dismissed** - An action which closes a case for any one of the following reasons:
1. A “not responsible” finding is reached by the hearing body.
 2. The person(s) bringing the charges withdraw(s) the “Notification of Complaint” prior to the conv of the original body.
 3. An incomplete “Notification of Complaint” is not re-submitted to the Judicial Affairs Office with appropriate additions or amendments within the thirty (30) day period during which the original hearing is normally held.
 4. The person bringing charges fails to appear at a scheduled hearing.
- B. Warning** - An action taken as a result of a finding or admission of responsibility meaning that alt violation has occurred, the discussion and admonition by the hearing body are sufficient under the circumstances. The warning includes written notification from the hearing body to the student containing an official reprimand and indicating that repetition of infractions of College regulation result in more severe disciplinary action.
- C. Probationary Statuses** - Probations and Residential Review are in effect only during the perio student’s active enrollment or resident status as applicable. If a student officially leaves the college residence halls, the sanction is automatically continued if and when he or she is readmitted.
1. **General Probation** - A probationary status imposed for a specific time period, not to exceed one y during which a student is expected to show a positive change in behavior. In addition, conditions restrictions from attending any College sponsored activities, including athletic events, Program C activities and theater productions) and restrictions appropriate to the offense may be imposed. An further violation of the probation will be the basis for more severe disciplinary action.
 2. **Residential Review** - An action taken against a residence hall student, placing his/her resident stat serious jeopardy. As a result of the action, the student’s “Residence Hall Occupancy Agreement” v reviewed at the end of each semester, in order to determine whether or not the individual should in residence. The college may decide not to offer continued housing to students on Residential Re after the expiration of their current contract. Such a decision will be made in accordance with Re Life policies and does not require further review by the judicial process. The agreement will also reviewed if the student is found guilty of any infraction during the time period of this sanction.
 3. **Disciplinary Probation** - A restrictive probationary status imposed for a specific time period, not exceed three (3) semesters. During this time, a student is prohibited from participating as a mem in a leadership capacity in extracurricular activities, including intercollegiate athletic teams. This restriction does not pertain to attendance at extracurricular events. Students found guilty of any infraction of College regulations during the probation or who violate the conditions or restrictior the probation will be subject to further action which may be in the form of suspension, dismissal, expulsion from the College.
- D. Residence Hall Relocation** - An action taken against a residence hall student, by which he or relocated to another residence facility on campus. Additionally, the student’s visitation privileges restricted.

E. Separations

1. Suspension from the Residence Halls - Probation of the student from living in or visiting the residence halls for a specified period of time not to exceed one year. The student may not be readmitted, re-enrolled, or be placed on a waiting list for a residence hall room until the suspension is concluded. This sanction may also include suspension from the residence hall for specified time periods, such as weekends.
2. Expulsion from the Residence Halls - Permanent prohibition of the student from living in or visiting residence halls.
3. Suspension from the College - Exclusion from classes and from all privileges and activities of the College for a definite period of time, not to exceed one year. During a period of suspension, a student is not permitted on the College property without the express permission of the Student Life Office. If a suspended student violates any College regulations during the suspension period or the conditions of suspension, he/she will be subject to further action in the form of dismissal or expulsion. This action may be deferred to become effective after a certain date. The student will be placed on a status equivalent to "Disciplinary Probation" in that case. A sanction of suspension must be reviewed and approved by the President before it becomes effective.
4. Dismissal from the College - Termination of student status for an indefinite time. The student is excluded from classes and from all privileges and activities of the College. During a period of dismissal, a student is not permitted on College property without the express permission of the Student Life Office. If a dismissed student violates any College regulation during the dismissal period or the conditions of dismissal, he/she will be subject to further action in the form of expulsion. This action may be deferred to become effective after a certain date. The student will be placed on a status equivalent to "Disciplinary Probation" in that case. A sanction of dismissal must be reviewed and approved by the President before it becomes effective. Any recommended dates or conditions of re-admission must be similarly approved. Readmission to the College must be approved by the President.
5. Expulsion from the College - Permanent termination of the student status without possibility of readmission to the College. An expelled student is not permitted on College property. A sanction of expulsion must be reviewed and approved by the President before it becomes effective.

F. Additional Sanctions

1. Restitution - Reimbursement by the student to the College or a member of the College community through payment of money or performance of an appropriate work requirement because of damage to College or personal property, or misappropriation of same.
2. Special Assignment - A work project or special assignment imposed by a hearing body either as an alternate to another sanction or as a condition of a particular sanction. An effort will be made to assign an assignment which is appropriate to the offense and does not degrade the individual or inhibit his academic progress or health. Special assignments may include, but are not limited to: community service, written reports, participation in extracurricular programs or counseling groups, and work in a specific campus office, building or area. Failure to complete a special assignment by the date set by the hearing body will result in the imposition of more severe sanctions.
3. Restriction or Revocation of Privileges - Temporary or permanent loss of privileges as an alternate to another sanction or as a condition of a particular sanction. Such action includes, but is not limited to, restriction of access to a specific College facility, residence hall visitation privileges, campus motor vehicle parking and operating privileges, and social privileges. The hearing body must specify the date after which the student may regain these privileges.

4. Referral to Counseling Services for Evaluation and Recommendations - The Judicial Board Procedural Advisor or designee may refer a student to the Counseling Services for psychological evaluation and recommendations in lieu of another sanction, or as a condition of a particular sanction. All evaluations made by Counseling Services shall be kept confidential. However, Counseling Services shall notify the Judicial Board Procedural Advisor or designee that the student had made contact and that the professional staff is evaluating the individual. Any recommendations, including those for temporary or permanent separation of the student from the College environment shall be made by the Vice President for Student Life after consultation with the Director of Counseling Services.
5. Held in Abeyance - any of the above sanctions can be held in abeyance for a specific period of time. A sanction "held in abeyance" is a temporary suspension of the sanction contingent on future behavior defined by the Judicial Board Procedural Advisor.
6. The Board of Higher Education in the Commonwealth of Massachusetts has mandated a zero tolerance policy regarding alcohol violations at all public universities, colleges, and community colleges. This mandate requires colleges to suspend any student who violates the alcohol policy three times. Based on this mandate, the following are the minimum sanctions for Salem State College:

	<u>Resident Student</u>	<u>Commuter Student</u>
<i>First offense:</i>	Residential Review Referral to ADEPT Program Educational Program Parental Notification	General Probation Referral to ADEPT Program Loss of guest privileges in residential areas Parental Notification
<i>Second offense:</i>	Suspension from the residence halls for one year Disciplinary Probation Referral to ADEPT Program Parental Notification	Disciplinary Probation Referral to ADEPT Program Parental Notification
<i>Third offense:</i>	Suspension from the College	Suspension from the College

Note: *Students found in violation of the alcohol policy through report of a sexual assault, psychological or medical emergency will not be automatically subject to the minimum sanction. Such sensitive situations will be handled on a case by case basis.*

XIII. DISCIPLINARY RECORDS

1. All records of disciplinary action are maintained confidentially in the Judicial Affairs Office. In cases which involve suspension, dismissal or expulsion, the academic departments are notified and the record is also recorded on the student's academic transcript.
2. No one outside the institution shall have access to a student's disciplinary record nor will the Judicial Affairs Office disclose any information in these records without the express written consent of the student involved except as provided in the "Family Rights and Privacy Act of 1974".
3. Students wishing to review their disciplinary records may do so by making a request to the Judicial Affairs Office. Records will be made available within seven (7) days from the date request. Students also have copies made of their records at their own expense.
4. Students who believe that their disciplinary records contain information that is inaccurate, misleading or otherwise in violation of their privacy or other rights should follow procedures described in the "Family Rights and Privacy Act of 1974" in order to correct them.
5. Disciplinary records shall be retained until two (2) years after the date of the student graduation or the case of withdrawals, the date the student would have normally graduated and then destroyed. Records of suspension, dismissal, and expulsion shall be retained indefinitely.

APPENDICES

DISTRIBUTION AND AMENDMENT PROCEDURES

A. Distribution

1. The College shall publish a clear statement about the judicial system which will be available for review by any member of the College community.
2. Copies of the Student Conduct Code, the official College document, may be obtained from the College Vice President for Student Life, the Judicial Affairs Office, all other Student Life Offices, and the Student Government Office.
3. Relevant portions of or reference to the document will be periodically published in such sources as the student handbook - The Compass and The Log, (the College newspaper), but interested students are encouraged to review the document in its entirety.

B. Amendment Procedures

Amendments to the rules, regulations, or procedures of the College as set forth in this document shall be carried out as follows:

1. All proposed amendments to this document by any member of the College community must be submitted to the Vice President of Student Life for transmission to the appropriate contract committee. All proposals so submitted shall be forwarded to the Student Government Association (S.G.A.) for their recommendations and comments.
2. Once approved in accordance with contract committee procedures, the amendment shall be incorporated into the next scheduled publication of the Student Conduct Code.
3. Changes in the judicial system made before the publication of the Student Conduct Code shall be communicated to the student body by appropriate means. An attempt will be made to give as much advance notification as possible.

**SALEM STATE COLLEGE STUDENT JUDICIAL SYSTEM
NOTIFICATION OF COMPLAINT**

NAME OF STUDENT _____

I.D# _____

LOCAL ADDRESS _____

TELEPHONE #(____) _____

HOME ADDRESS _____

TELEPHONE # (____) _____

NATURE AND CIRCUMSTANCES OF DISCIPLINARY MATTER

DATE, TIME AND PLACE OF OCCURRENCE

CONDUCT REGULATION(S) FROM STUDENT CONDUCT CODE WHICH HAVE BEEN ALLEGEDLY VIOLATED

NAMES, ADDRESS AND PHONE NUMBERS OF WITNESSES

DATE RECEIVED BY
JUDICIAL AFFAIRS OFFICE: _____

NOTE: Under normal circumstances reports must be submitted within 30 days of the alleged incident including including the day of the alleged incident.

PERSON BRINGING CHARGES:

Name _____

Address _____

Phone Number _____

Date _____

**SALEM STATE COLLEGE STUDENT JUDICIAL SYSTEM
SEXUAL ASSAULT
VICTIM IMPACT STATEMENT**

The Victim Impact Statement is an opportunity for you to explain to the hearing body the emotional, physical, financial, and educational impact of the alleged incident. This statement may be read into the hearing record during your final remarks. Please feel free to attach additional pages as necessary.

A. EMOTIONAL IMPACT:

1. Please describe how this assault has affected you, i.e., behavior or lifestyle changes.

2. Have you received any counseling assistance regarding the assault?

3. Do you fear retaliation by the accused?

B. PHYSICAL INJURIES:

1. Describe any injuries you received as a result of the assault.

2. Describe the medical treatment you received or will continue to receive.

C. FINANCIAL IMPACT:

1. Please indicate the approximate amount of medical/psychological expenses incurred to date.

2. Please list the approximate value of any of your property that was lost, stolen , or damaged as a result of this incident.

Item	Value
_____	_____
_____	_____
_____	_____

3. If you are employed, please indicate the approximate amount of lost wages that you incurred as a result of this incident.

D. EDUCATIONAL IMPACT:

1. Describe any impact this incident has had on your studies and pursuit of your academic goals.

E. MISCELLANEOUS:

1. Please use the remaining space to make any further comments that you believe are appropriate for the hearing body to consider regarding this incident.

Signature _____

Date _____

* Adapted from University of Florida, Counseling Center

SALEM STATE COLLEGE STUDENT JUDICIAL SYSTEM

STUDENT PERMISSION FOR ACCESS TO DISCIPLINARY RECORDS

In accordance with the "Family Educational Rights and Privacy Act of 1974" -21-U.S.C. section 1232g (Education Amendment of 1974) a student's record cannot be reviewed without a written request and the student's written permission, except for certain authorized parties under the Act. Access to a student's disciplinary folder is defined as the ability to look at the disciplinary records in the presence of the member of the Judicial Affairs Office professional staff. It does not imply that records can be reproduced or removed. In the absence of written authorization from the student, the Judicial Affairs Office will neither confirm nor deny the existence of any disciplinary records.

I. Student whose records are requested:

Full Name _____

Social Security Number _____

II. Individual, agency or organization requesting this student's records:

Name _____ Date of Request _____

Address _____ Telephone Number _____

III. Description of information requested:

IV. Reason(s) for requesting access to the student disciplinary records:

V. Permission for access to my disciplinary records as requested above is:

Circle One: DENIED GRANTED

Signature _____

Date _____

Telephone Number (____) _____

SALEM STATE COLLEGE STUDENT JUDICIAL SYSTEM
REQUEST FOR APPEAL

FULL NAME OF APPLICANT _____

I.D.# _____ TELEPHONE # (____) _____

LOCAL ADDRESS _____

APPEAL OF DECISION OF _____ REACHED ON _____
(Name of Board) (Date)

DIRECTIONS: All requests for appeal must be submitted in writing to the Judicial Affairs Office within three (3) days of the date of receipt of the written decision of the original hearing body. If the third day falls on a weekend or holiday, the time is extended to the next working day. The only basis for appeal through the student judicial system are:

- A. The original hearing was not conducted in conformity with established procedures.
- B. There is new evidence or relevant facts not brought out in the original hearing, which was not available at the original hearing.
- C. The sanction imposed was not appropriate for the offense committed.

All request for appeal must outline the following:

- A. Any appeal based on criterion A must include all the following:
 - 1. citation of specific procedural errors with appropriate reference to the Student Conduct Code
 - 2. reason(s) why procedural error was not mentioned in the original hearing;
 - 3. reason(s) why correction of error can contribute to a decision other than that which was originally made.
- B. Any appeal based on criterion B must include all the following:
 - 1. nature of new evidence;
 - 2. name(s) of anyone who will present this evidence;
 - 3. reason(s) why evidence was not discussed at original hearing;
 - 4. reason(s) why evidence can contribute to a decision other than that which was originally made.
- C. Any appeal based on criterion C must include specific information indicating that the sanction is unreasonable in light of the finding.

Your request for appeal must be specifically directed to one or more of the above considerations. You may submit any additional supporting papers, testimony, or evidence with your appeal request. Under normal circumstances, an appeal shall be heard within fourteen (14) days after it has been filed in the Judicial Affairs Office. Pending the outcome of the appeal hearing, the disciplinary sanctions originally stipulated shall be imposed.

PLEASE CHECK: I am appealing on the basis of: _____ A _____ B _____ C

Please explain your appeal on the reverse side and sign the form on the line provided. No appeal will be considered unless you provide this explanation.

Signature _____ *Date* _____