

V. STUDENT CODE OF CONDUCT

SCOPE AND PURPOSE

Scope

The Student Code of Conduct applies to all undergraduate and graduate students enrolled in any course or program at Wheelock College, whether on a part-time or full time basis. It is the expectation of the College that all students will be good and respectful citizens. The Student Code of Conduct applies to on-campus or off-campus activities, college-sponsored or not. If conduct by students, in the judgment of the College, is deemed unbecoming in the interest of the College, the College reserves the right to conduct an administrative hearing or a hearing before the Student Conduct Board.

Purpose

Consistent with the College's Mission, the purposes of the Code of Conduct are to:

- (a) Establish standards of personal conduct.
- (b) Provide for the advancement of knowledge and the development of ethically sensitive and responsible persons.
- (c) Recognize that students are adults and, as such, their relationships with the College community should reflect this.
- (d) Ensure fair treatment of students without regard to their race, color, national origin, sex, age, handicap, sexual orientation, or political or religious beliefs.

Limitations

The Code of Conduct does not create contractual rights for students or impose limits on the College's authority to regulate student conduct. As a private institution, the College may impose or withhold sanctions as the College deems appropriate. The President, Dean of Students, or the Director of Residence Life may modify the Code of Conduct at any time and for any reason.

CONDUCT CODE CLASSIFICATIONS

The College Honor Code – It is the expectation of the College that all Wheelock College students will conduct themselves as good and respectful citizens, in accordance with the policies governing the College community. Any and all forms of dishonesty, including, but not limited to plagiarism, cheating, furnishing false information, forgery and altering or misusing documents are unacceptable. All students must comply with the Academic Honor Code at all times while they are enrolled at the College in order to create a fair academic environment for all. In disciplinary matters, students are expected to be honest and fully disclosing of the whole truth. Any attempt to deceive, withhold information, or obstruct the investigation or process of justice will be regarded as a violation of the Student Code of Conduct.

Climate of Respect – It is expected that students will conduct their affairs with the utmost respect toward those within and without the College community in accordance with the College mission and creed. Any student who treats another unfairly, unkindly, disrespectfully or abusively will be subject to adjudication. Wheelock's required climate of mutual respect includes **all forms of social media communication**. Disrespectful, uncivil or threatening communication via Facebook, Twitter, email, blogs or other online media will prompt immediate disciplinary sanction.

Criminal Charges – When the College is aware that criminal charges have been brought against a Wheelock College student by federal, state or local authorities, the College reserves the right to take appropriate action against the student, including but not limited to, suspension or expulsion from the College, and/or from residence, pending the outcome of judicial proceedings.

Double Jeopardy – The College reserves the right to adjudicate all matters in light of College standards. College disciplinary proceedings, carried out prior to, simultaneously with, or following the findings of a court of law, do not

constitute double jeopardy. College officials may, at their sole discretion, adjudicate on an alleged violation of the Code of Conduct against a student also charged with a violation of law (*i.e.*, both the alleged Code of Conduct violation and the alleged legal violation arise from the same factual situation), without regard to civil or criminal arrest and prosecution of the student in a court of law. The principle of double jeopardy does not apply to the College's disciplinary proceedings.

Off-Campus Violations – If Wheelock College students are involved in any off-campus activities that involve a violation of federal, state or local law, or otherwise inappropriate non-criminal behavior, the College reserves that right to take disciplinary action against said students, particularly when such activities adversely affect or threaten the interests, reputation, operation, safety and/or well-being of the College community or its members.

STUDENT BILL OF RIGHTS (DUE PROCESS)

Wheelock College students are expected to maintain mature attitudes and must bear the responsibility to act in accordance with local, Commonwealth, and Federal laws, as well as those of the College. No right specified here is meant to be construed as enabling students to infringe upon the individual rights of another member of the community:

- The right to be presumed innocent until determined to be in violation. (It should be noted, however, that certain circumstances may require the College to impose sanctions or restrictions pending a hearing or pending some other manner of adjudication or resolution of the matter).
- Notification of allegations at least three days in advance of a FORMAL conduct hearing, unless waived by the student, or revoked by the College for the sake of expediency in serious matters involving the safety or well-being of the College community. In certain instances, additional infractions may be revealed as the hearing progresses. The student will, of course, be held accountable for such Conduct Code violations, even though said violations were not noted in the original notification.
- The right to a hearing either by the Dean of Students and/or his or her designee, or by the Conduct board (depending upon the severity of the charges and the discretion of the appropriate College officials, particularly the Dean of Students).
- The right to admit or deny all charges, to call witnesses, and to present evidence on his or her own behalf.
- The right to seek an appeal as described elsewhere in this Handbook.
- The right to be given a written summary of disciplinary decisions.
- The right to a degree of confidentiality in disciplinary matters, except for proper use, internally and externally, of information by the College. In addition, in some cases, when deemed necessary, the College reserves the right to notify parents/guardians.

PROSCRIBED CONDUCT

The following list of proscribed conduct is not intended to be all-inclusive or to limit the types of inappropriate conduct that may subject a student to sanctions or disciplinary action. Rules and regulations of the College, residence halls and departments that are not listed or are excluded below are incorporated herein by reference. Such rules and regulations may be communicated to students in publications and posted notices including, but not limited to, the Student Handbook, College Catalog, housing contracts, and other official publications.

Notwithstanding the above, the Code of Conduct does not cover violations of academic policies. Violations of academic policies will be addressed by the Vice President for Academic Affairs. In the event that conduct may violate both the Code of Conduct and academic policies, the Dean of Students and the Vice President for Academic Affairs will determine how the student's conduct should be addressed. The President will be the final arbiter of any determination made by the Dean of Students and Vice President for Academic Affairs.

VIOLATIONS

Alcohol and Drug

- Presence, possession or consumption of alcohol by a minor.
- Incapacitation or intoxication by the influence of alcohol or another drug or substance; behavior that contributes to the intoxication or incapacitation of another student.
- Provision, purchase and/or transportation of alcohol for minors.

- Unauthorized distribution or purchase of alcohol.
- For students over twenty-one years of age, exceeding the legal limit for possession of alcohol on campus or exceeding the legal limit for consumption of alcohol at off-campus College-sponsored events.
- Possession of drinking paraphernalia and/or possession of or participation in drinking games.
- Possession of a keg or beer ball, empty or full, tapped or untapped.
- Possession of an excessive amount of alcohol.
- Possessing or consuming alcoholic beverages in public areas of residence halls.
- Possession or consumption of alcoholic beverages at on-campus, College-sanctioned events.
- Bringing alcohol to off-campus College-sponsored events.
- Possession or consumption of grain alcohol and other “fortified” wines.
- Carrying open containers of alcohol in public on campus.
- Public intoxication.
- Presence, possession, manufacture or any non-medical use of marijuana.
- Presence, possession, or use of any illegal drug or drug paraphernalia; presence, possession, or non-medical use of any narcotic or hallucinogenic.
- Drug sale or distribution of illegal or non-prescribed drugs or drug paraphernalia.

Fire and Safety

- Failure to evacuate any building in the event of a fire or other emergency alarm.
- Disabling, removing or otherwise tampering with exit signs or emergency lighting.
- Illegal or unauthorized possession of firearms, explosives, fireworks, other weapons, or dangerous chemicals or combustibles.
- Use of any such item, even if legally possessed, in a matter that harms, threatens or causes fear to others.
- Possession of counterfeit, replica, or blank-firing firearms or realistic-looking toy firearms, knives, or swords.
- Possession of pellet, paint, and bb guns.
- Possession of any prohibited item as listed under Residence Life – Prohibited Items in the Residence Halls.
- Smoking in any College building, including residence halls.
- Disabling, misusing, removing or tampering with fire alarm systems and other building safety equipment. Tampering with or discharge of fire extinguishers. Activating a false fire alarm. Tampering with or damage to smoke detectors, sprinklers, or stand pipes. Causing a fire or flood.
- Making or contributing to a bomb threat.

Dishonesty, Forgery, or Theft

- Removing food or other items from the dining facilities without authorization.
- Possessing, providing, producing and/or utilizing false identification material. Accepting payment for such material.
- Forgery or alteration of the student identification card, or any such document issued by the College.
- Dishonesty in connection with any College activity including cheating, forgery, plagiarism, or knowingly furnishing false information to a College official.
- Theft of property or services; knowing of possession of stolen property without notification of proper authorities.
- Theft of College and/or personal property.

Room Entry and Searches

For information about room entry and searches please see page 6 of the Student Handbook under the Residence Life section.

Additional Proscribed Conduct

- Expression of any form which is degrading, demeaning, abusive or harassing toward others, particularly on the basis of race, color, cultural background, handicap, age, sexual orientation, or political or religious beliefs. This covers all forms of communication, including verbal, written, and electronic media, and all forms of interaction, including physical and verbal.
- Intentional disruption or obstruction of teaching, research, administration, disciplinary proceedings, or other College activities.
- Behavior or activity that threatens or endangers the health or safety of oneself or others, whether or not such activity occurs on College property.
- Disruptive or disorderly conduct.
- Verbal abuse, and/or willful damage to the reputation or psychological well-being of any person.
- Conduct unbecoming of a Wheelock student, whether on or off the campus grounds.
- Damage or vandalism to College or personal property.
- Use of electronic devices to violate the privacy of the College community or its members.
- Failure to comply with the directives and sanctions of College officials acting in performance of their duties.
- Disrespect of a College official.
- Fighting, even when said fighting is mutually instigated.
- Violent behavior, whether physical, verbal or threatened, directed toward property or persons.

Other Violations

- Violation of the Visitors and Sign-In Policy.
- Gambling as defined by Massachusetts General Laws.
- Unauthorized possession or distribution of any mode of entrance to any College facility.
- Unauthorized presence in or forcible entry into a College facility or College-related premises, including, but not limited to, College building roofs or fire escapes.
- Disposal of trash or refuse anywhere on the campus except in designated trash receptacles.
- Violations of the College Honor Code.
- Violations of the Climate of Respect.
- Violations of a “No Contact Order”
- Violation of any Trespass or Ban Order from any part of campus.

SANCTIONS AND DISCIPLINARY ACTIONS

Considerations in Imposing Sanctions

Discipline or sanctions, up to and including expulsion, may be taken in response to a Code of Conduct violation by a student. In determining appropriate discipline or sanctions, factors evaluated include, without limitation, the nature and severity of the violation, the degree to which the student has participated or been involved in the violation, his or her motive and intent in connection with the violation, and any record of past violations. These and other relevant factors of the specific situation will be considered.

Sanctions or Disciplinary Alternatives

The following examples of sanctions or disciplinary actions may be imposed separately or in combination. This list of sanctions or disciplinary actions is not exhaustive. The College reserves the right to impose sanctions or disciplinary actions not listed below.

- No Action
- Official reprimand
- Mediation
- Parental Notification
- Disciplinary Notice
- Revocation of Privileges
- Counseling
- Educational Mandate
- Community Service
- Confiscation

- Restitution
- Probation (or any form thereof)
- Behavioral contract
- No contact order
- Campus ban
- Suspension
- Expulsion

JUDICIAL INFORMATION

The following process will be followed to consider reports regarding alleged violations of the Code of Conduct. The goal of this process is to investigate the facts and circumstances of a report and, if appropriate, to impose sanctions or discipline warranted by those facts and circumstances.

The Dean of Students and/or his or her designee will be responsible for enforcing the Code of Conduct. They will resolve any questions regarding the interpretation or application of the Code of Conduct. The determination of the Dean of Students and/or his or her designee concerning the interpretation or application of the Code of Conduct will be final.

Report

Any member of the College community may file an incident report against any Wheelock student by submitting in writing to the Office of Student Life the following information:

- The name(s) of the student(s) who is (are) the subject of the incident report.
- A clear explanation of the nature of the incident.
- The contact information of those filing the complaint.
- The contact information of witness(es).

Dean of Students Preliminary Review

When an incident is reported, the Dean of Students and/or his or her designee will investigate the facts and circumstances surrounding the incident. Following this investigation, he or she may elect to:

- (a) dismiss the matter;
- (b) mediate the incident;
- (c) mandate an appropriate sanction; or,
- (d) refer the incident to the Conduct Board

Prior to dismissing a matter, the Dean of Students and/or his or her designee may consult with other college officials if, in their judgment, such consultation is warranted.

In the case of what is determined to be a major violation, and depending on the severity of the offense and the student's record of previous violations, students may be offered the choice to have conduct violations considered and adjudicated in an administrative hearing or before the Conduct Board. In the case of what is determined to be a minor violation, the incident will be adjudicated by an administrative hearing and not referred to the Conduct Board.

Any students that are referred to an administrative hearing will be responsible to schedule a meeting with the Dean of Student and/or his or her designee within three (3) business days of notification. Students who do not schedule this meeting forfeit their right to an appeal.

The decision to refer any matter to an administrative hearing or the Conduct Board will be determined at the discretion of the Dean of Students and/or his or her designee.

Notification of Results of Review

After the preliminary review, the student(s) who are the subject(s) of the incident report will be notified of the outcome by the Office of Student Life in a timely fashion.

Provisions for Immediate Suspension

When a student is considered to be a threat to another person (including himself or herself), property, or the orderly functioning of the College, the student may be suspended immediately by the Dean of Students or his or her designee, at his or her sole discretion, from a residence hall, the College, or both, without a hearing. This suspension will remain in effect until the Dean of Students or his or her designee determines that the threat no longer exists. The Dean of Students and/or his or her designee, at his or her sole discretion, may also impose sanctions or discipline short of suspension to address the particular situation.

CONDUCT BOARD

The role of the Conduct Board is to make specific findings as to whether the Code of Conduct has been violated and to recommend appropriate disciplinary sanctions. The Conduct Board exists to promote responsible and accountable behavior among students. The Conduct Board is a panel of students, faculty and staff who come together to determine the facts surrounding a charge that a student has violated policy and arrive at a fair and informed resolution of the charge.

In cases in which Code of Conduct violations have been found, the Board may, subject to the review and appeal process, recommend to the Dean of Students or his or her designee the imposition of sanctions or disciplinary actions. The Dean of Students and/or his or her designee will be responsible for enforcing or implementing those sanctions or disciplinary actions.

Membership

The Board will be comprised of Wheelock staff, faculty, and students appointed by the Dean of Students' Office. A quorum of seven board members is required to hear each case, three of whom must be students. The Assistant Dean of Students or the Director of Residence Life will serve as the Conduct Board Chair at each scheduled meeting. All issues, findings, or sanctions in a case will be decided by majority vote. The Chairperson will facilitate all hearings and he or she will only vote in the event of a tie vote of the other board members. Board members may serve on the Conduct Board for a term of three years.

Notification of Hearing

If a Conduct Board hearing is to be held, the student who is the subject of the hearing will be provided with detailed additional information about the hearing process in a meeting with the appropriate Office of Student Life staff member.

Challenging a Board Member

If the student who is the subject of the Conduct Board hearing believes that one or more members of the Board has a conflict of interest, he or she shall notify the Dean of Students immediately. The determination of the Dean of Students regarding whether any conflict of interest exists will be final.

Advisors

The student who is subject of the Conduct Board hearing may select one person who is a student, faculty, or staff member of the Wheelock College community to advise him or her through the hearing process. This advisor may not be a private attorney representing the student who is the subject of the Conduct Board hearing.

The advisor may:

- advise the student in the preparation and presentation before the hearing;
- accompany the student to the hearing;
- advise the student at reasonable intervals during the hearing, at the sole discretion of the Chair of the Board.

The advisor may not address the Board directly nor may the advisor question any witness. The student must inform the Dean of Students of the name of his or her advisor prior to the Board hearing.

Board Recommendations

At the conclusion of the hearing, the Board will decide by majority vote whether it believes that it is more likely than not that a violation of the Code of Conduct has occurred.

If the Board decides that a violation has occurred, the Board will, by majority vote recommend specific sanctions or disciplinary actions to the Dean of Students.

Notification of the Board Recommendation

The Dean of Students and/or his or her designee will meet with the student who is the subject of the hearing to discuss the Board recommendation as soon as possible after the Board makes its recommendation. The meeting will be followed by a letter that confirms the Board recommendation and outlines the appeal procedures available to the student

Appeal Process

Appeals of conduct board recommendations or administrative hearings are heard only if the student can clearly demonstrate that procedures described in the Student Handbook have not been followed and/or if the student can introduce substantive new evidence. Any such request should be made in writing to the Dean of Students within three business days of receiving notice of the Board recommendation. The Dean of Students and/or his or her designee will review the request and determine whether an appeal is granted and/or a new hearing held. The Dean of Students reserves the right to review sanctions and, if deemed appropriate, modify sanctions. In the event the sanctions are modified as a result of this review, additional hearings may be called. The College reserves the right to suspend housing privileges while an appeal is being reviewed.

Record Keeping

All sanctions or disciplinary actions are recorded and maintained by the Office of Student Life. Dismissal from the College and suspension from the College are the only sanctions that will be noted on a student's permanent record.

The Dean of Students and/or his or her designee will determine the appropriate method for recording the information presented at a Board hearing.

Confidentiality

The College respects the rights of individual members of the Wheelock community. Therefore, every effort will be made to protect the confidentiality of the Student Conduct Board process.