

**FRANKLIN PIERCE COLLEGE**

**STUDENT CODE OF CONDUCT**

**REVISED August 2003**

August 2003

Dear Student,

The Student Code of Conduct represents the collective leadership efforts of faculty, students, and administration who are involved with the College's judicial system. Their contributions to this document reflect a connected effort to develop within our student body a strong, personal awareness of individual responsibility towards one's self, toward fellow students, and toward the entire college community and all that it represents. This document is an affirmation of the College's belief that every student has the obligation and responsibility to understand and appreciate that this is an academic community, dedicated to the free and open examination and exchange of ideas in the pursuit of knowledge. That is why our College exists, and it is to this purpose that our faculty, administration, alumni, and trustees have committed themselves.

As in any society, our academic community recognizes the necessity to establish clearly defined standards of behavior that are defined to preserve and protect our educational mission. To this point, the Student Code of Conduct expresses those values and beliefs to which the college community is committed. It is our expectation that each of you will share in this understanding and adopt these values and beliefs in your personal lives.

Through your admission to Franklin Pierce College, you joined the proud company of the Pierce Family. As in any caring, supportive family, our community is dedicated to every aspect of your well-being—academic, social, physical, and spiritual. We are here to serve you, and we expect that each of you will approach this experience with a genuine desire to learn, a willingness to be receptive to new ideas, and with a commitment to actively question and be constructively challenging and respectful in all of your academic and social relationships.

We welcome you to our academic community: we look forward to sharing this experience with you. We hope that your years at Franklin Pierce College will contribute significantly to your future.

Sincerely,

Jim Earle, Ph.D.  
Vice President for Student Affairs

## **FRANKLIN PIERCE COLLEGE STUDENT CODE OF CONDUCT**

As a part of its educational mission, the College has developed this Student Code of Conduct. The College believes that its proper role is to offer opportunities for the personal growth of its students. Hence, the development of responsible conduct is promoted by the Franklin Pierce Community. Students are expected to become familiar with and adhere to the College's standards and policies for student conduct. Furthermore, students are responsible for their actions, and those who violate the Code of Conduct will be subject to disciplinary action.

### **Membership in the Franklin Pierce Community is a privilege that shall not be abused.**

Students accepting the offer of admission and matriculation at Franklin Pierce College assume the obligation of conducting themselves in a manner compatible with the College as an educational institution, and agree to abide by all published regulations governing the student body. Minimal regulations are necessary to ensure respect for basic individual rights. The College acknowledges and respects the right of each student, and does not view itself as a sanctuary from the law.

### **ARTICLE I: DEFINITIONS**

1. The term "College" means Franklin Pierce College.
  
2. The term "student" includes all persons taking courses at the College, both full-time and part-time. Persons who are not officially enrolled for a particular term but who have a continuing relationship with the College are considered students.
  
3. The term "faculty member" means any person hired by the College to conduct classroom activities.
  
4. The term "college official" and "college employee" includes any person employed by the College performing assigned administrative or professional responsibilities.
  
5. The term "member of the college community" includes any person who is a student, faculty member, staff member, or college official. A person's status in a particular situation shall be determined by the Student Affairs Office.

6. The term "college premises" includes all land, buildings, facilities, and other property in the possession of or owned, used, or controlled by the College, including adjacent streets and sidewalks.
7. The term "judicial body" means any person or persons authorized by this document or by the Vice President for Student Affairs to determine whether a student has violated the Student Code and to recommend or to assign imposition of sanctions.
8. The term "organization" means any number of persons who have complied with formal requirements for recognition by the College.
9. The term "appellate authority" means any person or persons authorized by this document or by the Vice President for Student Affairs to consider an appeal resulting from a judicial body's determination that a student has violated the Student Code or from the sanctions imposed by that body.
10. The term "shall" is used in the imperative sense.
11. The term "may" is used in the permissive sense.
12. The term "policy" is defined as the written regulations of the College as found in, but not limited to this document, the Student Handbook, the College Catalog, and the Honor Code.
13. The term "advisor" is defined as a member of the College community (faculty, staff or student) selected by an accused student to assist him/her at a judicial hearing. The role of the advisor is limited to direct assistance to the student; as it is the responsibility of the student to present his/her own testimony, evidence, etc., the advisor may not address the hearing board/officer directly or on behalf of the student unless requested by the Hearing Officer or the Chair of the Judicial Board to do so, or, upon request of the accused student, the Hearing Officer or the Chair of the Judicial Board grants such request upon good cause shown. A student bringing a complaint to the hearing board/officer may also have an advisor of his/her choosing from within the college community.
14. The term "sanction" is defined as the action issued by a judicial body as a result of a student being found to be in violation of a college regulation. Such action may be educational and/or punitive in nature.

## **ARTICLE II: JUDICIAL AUTHORITY**

1. The Vice President for Student Affairs is that person designated by the College President to be responsible for the oversight and administration of the Student Code, to include determination of definition of all policies and statements within the Code.
2. The Assistant Dean of Student Affairs, as coordinator of the Student Code and the student judicial system, shall ensure the composition of judicial bodies and appellate authorities in accordance with this document and established college policies. The Assistant Dean of Student Affairs shall determine whether or not charges are brought against a student, which judicial body or appellate authority shall be authorized to hear each case, and shall work in cooperation with the advisor for the Judicial Board to provide appropriate training and orientation for successful accomplishment of the Judicial Board's responsibilities.
3. The Vice President for Student Affairs shall develop policies for the administration of the judicial system and procedural rules for the conduct of hearings, which are consistent with provisions of this document and established college policies.
4. Decisions made by a judicial body shall be final, pending the established appeal and review process.
5. A judicial body may be designated as arbiter of disputes within the student community in cases which do not involve a violation of the Student Code. All parties must agree to arbitration, and agree to be bound by the arbitrated decision.
6. Cases involving students on the Graduate and Professional Studies campuses are adjudicated by the Director of each campus/program or his/her designee
7. Violations of the College's Honor Code relating to academic integrity are referred to the Provost. In cases involving academic integrity when it is likely that both the Honor Code and the Student Code of Conduct have been violated, the Student Code of Conduct will have jurisdiction. Any amendments to the Honor Code need a 2/3 vote by the Senate and are subsequently forwarded to the Vice President for Student Affairs before the amendment becomes policy.

## ARTICLE III: PRESCRIBED CONDUCT

### A. JURISDICTION OF THE COLLEGE

Generally, college jurisdiction and discipline shall be limited to conduct which occurs on college premises or at college-sponsored events off college premises, or which adversely affects the college community and/or the pursuit of its objectives.

### B. CONDUCT - RULES AND REGULATIONS

Any student found to have committed the following misconduct is subject to the disciplinary sanctions outlined in Article IV.

#### 1. **Acts of dishonesty**, including but not limited to, the following:

- a. Cheating, plagiarism, or other forms of academic dishonesty. "Plagiarism" as defined in the College Catalog is "the process of stealing or passing as one's own the ideas or words of another. The two main types of plagiarism are copying the words of another student in examinations, themes, term papers, or thesis, and copying the printed work of a writer without giving due credit to the author."
- b. Furnishing false information to any college official, faculty member or office.
- c. Forgery, alteration, or misuse of any college document, record, or instrument of identification.
- d. Tampering with the election process of any college-recognized student organization.

NOTE: In all cases of academic dishonesty, it shall be the decision of the Provost if the matter is to be referred through the Student Judicial System, or if it is to remain within an academic department or division. The matter shall not be referred for adjudication in both areas. In either case, the policies and procedures overseen by the Provost shall apply.

- #### 2. **Physical abuse** to include any physical act which is abusive, intimidates, threatens, or endangers the health or safety of any person. Included in this regulation, but not limited to are all actions which constitute sexual abuse, including incidents of date rape or acquaintance rape. "Rape" is defined as sexual penetration without the consent of the victim. "Date rape" is rape in a situation where the parties know one another. Any form of unwanted touching is also consider sexual abuse, and as defined in this

Code, physical abuse. Both the accuser and accused will be informed of the outcome of any campus disciplinary proceedings involving sexual assault.

3. **Acts which endanger the safety or welfare of any person(s)** to include, but not limited to, the "propping" of a residence hall entrance door, the removal of screens from windows, etc.
4. **Verbal abuse** to include profanity, intimidation, harassment, or other conduct which is abusive, threatens, intimidates, or endangers the health or safety of any person.
5. **Disorderly Conduct or Disruptive Behavior** which is lewd, indecent, or a breach of peace. This is to include, but not be limited to, obstruction or disruption of teaching, research, study, residential living, administration, disciplinary proceedings, other college programs and activities or other authorized non-college activity on college premises.

## 6. Alcohol Policy and Regulations

- a. Underage possession or use of alcoholic beverages is prohibited. By state law, no one under 21 years of age is permitted to consume, purchase, transport, or possess any alcoholic beverage. The College does not condone violation of criminal law, including underage drinking. All matters relating to alcohol on college premises, or at college-sponsored events, are governed by laws of the State of New Hampshire. As members of the general public in this state, students are charged with full knowledge of these laws.

Additionally, the College has designated certain residence halls (such as Mt. Washington, New Hampshire, Granite, Monadnock, Edgewood, and Cheshire) as alcohol-free, or as "dry," as these buildings primarily house students under 21. No student, regardless of age, may possess or consume alcoholic beverages in the buildings at any time.

- b. Open containers of alcohol are prohibited in public areas. On college premises, public areas including, but not limited to, residence hall lounges, hallways, stairwells, parking lots, courtyards, etc.
- c. Intoxication as exhibited by impaired behavior is prohibited and will subject the student to disciplinary action.
- d. Common sources of alcohol are prohibited by the College.  
"Common source" is defined as a large amount of alcohol present which is in excess, or beyond a reasonable amount, for the number

of people present who are 21 years of age or older. Common sources include, but are not limited to kegs, beer balls, and "around the world parties." This regulation is due to the College's recognition that too often common sources of alcohol contribute to irresponsible consumption and associated negative behaviors.

- e. Consumption of alcohol should at all times be responsible. Therefore, the College will not tolerate irresponsible and potentially dangerous actions such as, but not limited to, the use of "funnels," drinking contests/games, "keg stands," "beer pong tables," etc. Devices for this purpose, such as funnels, will be confiscated by the College.
- f. All policies related to social gatherings (parties) involving alcohol in the residence halls or the Campus Pub are administered by the Director of Residential Life (for residence halls) or the Director of Student and Cultural Activities (for Campus Pub). Students shall adhere to these stated policies. The College may prohibit social gatherings in designated residence halls.
- g. A student's presence where any aspect of the alcohol policy is being violated, even if he/she is not directly involved in the specific act, constitutes a violation of college policy. This policy is in recognition of the responsibility every student has to uphold community standards, including the Student Code and the Honor Code; a student who passively, or actively, supports another's violation of college policy is not upholding such standards. Students are referred to #22 below for further clarification of what is expected.
- h. The involvement of alcohol and/or other drugs is not considered a legitimate excuse for violation of college policy. Irresponsible behavior related to alcohol use will be regarded as a violation of the Student Code.
- i. Alcohol Education Policy-Franklin Pierce College's policy is clear with regard to a student's possession/use/abuse of alcohol and any controlled substance. Respecting state and federal laws, the College's policies govern alcohol use on college premises and at off-campus events sponsored by the College. The College is also fully committed to the education of students in all aspects of their lives. Therefore, as a part of the College's Student Code, the College is governed by the following.
- j. Alcohol Education Policy-Franklin Pierce College's policy is clear with regard to a student's possession/use/abuse of alcohol and any controlled substance. Respecting state and federal laws, the College's policies govern alcohol use on college premises and at off-campus events sponsored by the College. The College is also fully committed to the education of students in all aspects of their

lives. Therefore, as a part of the College's Student Code, the College is governed by the following

Any student who is involved in a violation of college policy related to the student's possession/use/abuse of alcohol or controlled substance, may be required to enroll in the following program in addition to any disciplinary sanction issued:

1. The student shall be required to attend an on-campus educational program related to alcohol/drug use and abuse;
  2. Attendance at the educational program must comply with the date indicated by the judicial body issuing the sanction;
  3. Any cost associated with the educational program (Approximately \$50.00), is the responsibility of the student and must be paid before assigned date of attendance at the workshop (the fee will be used to cover the cost of the program as well as campus-wide educational activities);
  4. The student may be required, in addition to the educational program, to meet with a member of the Counseling Center staff for an assessment of his/her alcohol use. The student shall be required to comply with the recommendation(s) of the Counseling Center staff;
  5. Any student who fails to complete the above, or who does complete the above and again violates the College's alcohol policy, shall expect further disciplinary action which may include suspension from the residence halls, or for commuter students, suspension from non-academic activities, or suspension from the college.
7. **Use, possession, or distribution of narcotics or other controlled substances**, except as expressly permitted by law (e.g. prescription drugs), is forbidden. Federal and state law regarding narcotics and controlled substances shall be strictly observed and enforced.

It shall also be considered a violation of this code to sell any substance believed to be a drug/narcotic by either the "seller" or "buyer" which is not a controlled substance.

Drug related devices are forbidden on college premises; in addition to being college Policy, this is in accordance to state law.

A student's physical presence, where any suspect narcotics or other controlled substances policy (including alcohol) is being violated, even if he/she is not directly involved or does not participate in the specified act, constitutes a violation of college policy provided that the student knew that such violations were occurring in his/her presence. This policy is in recognition of the responsibility every student has to uphold community standards, including the Student Code and Honor Code, a student who passively or actively supports another's violation of college policy is not upholding such standards, see # 22 below. This provision also applies to actions of a student's guest(s), as specified in paragraph # 21 below.

8. **Theft**, or attempted theft, of property, belonging to the College, a member of the college community, or a campus guest is a violation of the Student Code. Included in this policy is the removal of college property from its designated place (e.g. removal of lounge furniture to a student's room).
9. **Illegal entry**, entering into a student's room by a student or student's guest, without the permission of one or more residents of the room, is a violation of the Student Code.
10. **Vandalism**, damage to, or attempted damage to property belonging to the College, a member of the college community, or a campus guest is an offense to the community and violation of the Student Code. Included in this policy is the "trashing" of public areas.
11. **Misuse or abuse of fire safety equipment**, including the setting of false alarms, the misuse of emergency exits, the wrongful discharge of fire extinguishers, or tampering with alarm systems, sprinkler systems, and smoke alarms constitutes a serious violation of the Student Code. Such violations endanger the life safety of the community. Further, students are required to evacuate any building in which a fire alarm is sounded.
12. **Possession or use of weapons, including fireworks, explosives, ammunition, firearms, or dangerous chemicals constitutes a serious violation of the Student Code.** For the purpose of this policy, "weapons" shall include, but not be limited to, any knife or implement capable of inflicting serious bodily injury. Students wishing to have their own weapons on campus for purposes of hunting in accordance with state laws, shall keep their weapons, including ammunition, at the Campus Safety Office in accordance with the policies set forth by that Office. At no time shall any weapon be anywhere on college property other than the Campus Safety Office. Hunting on College property is strictly forbidden.

- 13. Failure to comply** with the directions of a college official in the performance of his/her duties or **failure to identify oneself** to a college official by producing a Franklin Pierce College student identification card when requested to do so is a violation of the Student Code.
- 14. Abuse of the Judicial System.** This policy shall include, but not be limited to:
- a. Failure to obey the summons of a judicial body or college official
  - b. Falsification, distortion, or misrepresentation of information before a judicial body;
  - c. Disruption or interference with the orderly conduct of a judicial proceeding;
  - d. Initiating a judicial charge knowingly without cause;
  - e. Attempting to discourage, hinder or present an individual's proper participation in, or use of, the judicial system;
  - f. Harassment (verbal or physical) and/or intimidation of a member of a judicial body or witness prior to, during, and/or after a judicial proceeding;
  - g. Failure to comply fully with the sanction(s) imposed by a judicial body under the Student Code; and or h. Influencing or attempting to influence the integrity and/or the impartiality of a member of a judicial body or witness prior to, and/or during the course of the judicial proceedings.
- 15. Motor vehicle regulations,** as published by the Office of Campus Safety.
- 16. Littering,** or failure to dispose of trash and other discarded materials in the proper receptacles. This includes, but is not limited to, recyclable materials, and cigarette butts.
- 17. Violation of published college policies, rules, or regulations.** Included in this policy, but not limited to are:
- a. All regulations published by Residential Life or Judicial Affairs such as, quiet hours, registration of guests, residence halls closing, spring weekend policies, senior week policies, etc.
  - b. All regulations contained within the Student Handbook, College Catalog, Code of Conduct and any other college publication.
  - c. The College Honor Code. The signing of this document is ceremonial. In accepting admission and matriculating in the college, one agrees to uphold and abide by the Honor Code. It is every student's responsibility to read, understand, and abide by these principles.
  - d. Smoking is prohibited within 10 feet of any dwelling egress or window.  
[passed by SGA, 2003]

- 18. Violation of any federal, state or local law.** As the College is part of a larger community, students are expected to observe all federal, state and local laws, in addition to college policies.
- 19. Participation in a campus demonstration which disrupts the operations of the College** and infringes on the rights of other members of the college community; leading others to disrupt scheduled and/or normal activities on college premises; intentional obstruction which unreasonably interferes with freedom of movement, either pedestrian or vehicular, on campus.
- 20. Theft or other abuse of the College's technological equipment or services (i.e. computers, services, telephones, voicemail, etc.).** This policy includes, but is not limited to:
- a. Unauthorized entry into a file, to use, read, or change, the contents, or for any other purpose;
  - b. Unauthorized transfer of a file;
  - c. Unauthorized use of another individual's identification, access code, security code, or password;
  - d. Use of computing and voice mail facilities to interfere with the work of another student, faculty member or college official;
  - e. Use of computing and voice mail facilities to interfere with normal operation of the College computing system; and or
  - f. Use of the telecommunications and computing system to harass (including obscene and/or abusive messages), intimidate, or threaten another individual.
  - g. Violation of any rules outlined in the student computer use policy.
- 21. Actions of a student's guest(s), which violate any college policy are** the responsibility of the host student. Therefore, if a student's guest(s) violates college policy, the guest(s) shall be required to leave college premises immediately, be forbidden on college premises in the future, and the host student may face disciplinary action as if he/she himself/herself had violated the policy.
- 22. Actively or passively supporting another individual to violate any college policy.** The intent of this policy is to advise students of their responsibilities within the campus community. All students are expected to behave in a responsible manner while enrolled at Franklin Pierce College, as well as in the course of normal participation in any community. In the circumstance that a student becomes aware of real or potential violation(s) of college policy, then specific behavioral responses are expected to include advising others that such action is a violation of policy, informing a college official of the violation, and not participating in the violation by remaining passively present.

C. VIOLATION OF LAW AND COLLEGE DISCIPLINE

1. If a student is charged with an off-campus violation of federal, state, or local law, this may constitute a violation of the Student Code (see #18 in previous section). Disciplinary action may be taken and sanctions imposed.
2. College disciplinary proceedings may be instituted against a student charged with a violation of a law, which is also a violation of the Student Code. For example, if a student violates the Student Code with an action which also results in criminal and/or civil charges, college disciplinary proceedings will be followed. The College's proceedings are separate and distinct from criminal proceedings; therefore, action by the College will not be impeded by, nor influenced by, criminal or civil litigation. Proceedings under the Student Code may be carried out prior to, simultaneously with, or following civil or criminal proceedings off-campus.
3. When a student is charged by federal, state, or local authorities with a violation of law, the College will not request or agree to special consideration for that individual because of his/her status as a student. If the alleged offense is also the subject of a proceeding before a judicial body under the Student Code, however, the College may advise off-campus authorities of the existence of the Student Code and of how such matters will be handled internally within the college community. The College will cooperate fully with law enforcement and other agencies in the enforcement of criminal law on campus.

## ARTICLE IV: JUDICIAL SYSTEM AND PROCESS

### A. THE JUDICIAL PROCESS

1. Any member of the college community may file a complaint against any student for misconduct. Complaints should be prepared in writing and directed to the Assistant Dean of Student Affairs. Any complaint should be submitted as soon as possible after the incident related to the complaint(s). The Assistant Dean of Student Affairs may ask the Office of Campus Safety to investigate the complaint.
2. The Assistant Dean of Student Affairs shall determine if charges should be initiated and which authority shall have jurisdiction to hear and decide the case.
3. Violations of college policy pertaining to academic dishonesty in the form of cheating, plagiarism, forgery, or theft shall be reported to the Provost, who has the choice of adjudicating the matter through either academic channels (including the Honor Council) or through the established judicial system.

### B. THE JUDICIAL SYSTEM

There are four types of judicial bodies within the College's judicial system on the Rindge campus. The first body is the Experience Director, the second body is the Director of Residential Life, the third body is the Assistant Dean of Student Affairs, and; the fourth body is Hearing Boards. At any time, however, the Vice President for Student Affairs may choose at his/her discretion to hear any case in place of another judicial body. The Vice President for Student Affairs may invite other members of the community to assist him/her in hearing the case.

With the exception of Judicial Board hearings, cases will be heard administratively on an informal basis. Administrative hearings are to take the form of an educational dialogue with the involved student(s). The only record maintained in administrative hearings will be the written decision of the judicial **body**. Judicial Board hearings will take place on a more formal basis. A tape recording of the proceedings is maintained and a written decision is rendered.

**1. The Experience Director** is responsible for those cases that are least serious in nature and are related to the residence halls. Hearings are structured on an informal basis and the Experience Director is limited to the following types of sanctions: Written Warning, Educational Sanction, Restitution, Censure, and Conduct Probation (see Section G).

**2. The Director of Residential Life and The Assistant Dean of Student Affairs** are responsible for the most serious cases. Hearings are

structured on an informal basis. The Director/Assistant Dean then may impose any sanction listed within the Student Code, provided that a sanction issued is consistent within the guidelines for such sanctions (see Section G)

3. **Hearing Boards.** In certain cases, the Assistant Dean of Student Affairs may opt to refer cases to one of two types of hearing boards, either a student Judicial Board or an administrative hearing board.
  - a. **The Judicial Board** is comprised of nine students appointed by the Student Senate. The Judicial Board hears cases referred by the Assistant Dean of Student Affairs, and advises the Assistant Dean of Student Affairs as to whether or not the accused student violated the Student Code and recommends a sanction(s) when appropriate. The Judicial Board is advisory in nature, and final decisions are the responsibility of the Assistant Dean of Student Affairs.
  - b. **Administrative Hearing Board.** At the request of the Assistant Dean of Student Affairs, individual members of the Judicial Board or other members of the community may be requested to assist another judicial body in an administrative hearing.

The Assistant Dean of Student Affairs, at his/her discretion, will refer to a Hearing Board those cases in which the accused student states he/she is not guilty of the alleged violation, although this is not required. At such times as the Judicial Board is not available for hearing cases (i.e. midterms, final exams, vacation periods etc.), the Assistant Dean of Student Affairs, his/her designee, or an Administrative Hearing Board will hear the case. It should be noted that the Assistant Dean of Student Affairs will decide if a case will be heard by which judicial body.

The scheduling of any disciplinary hearing will be done as expeditiously as possible. Normally, cases before an Experience Director will be heard within five (5) days of being charged with the alleged violation. Cases before the Director of Residential Life or the Assistant Dean of Student Affairs will normally be heard within ten (10) days of being charged with the alleged violation. Cases heard by the Judicial Board or Administrative Hearing Boards will normally be heard within fourteen (14) days of being charged by the Assistant Dean of Student Affairs with the alleged violation.

At the discretion of the Assistant Dean of Student Affairs, the Office of Campus Safety will assist with the judicial system. This includes, but not limited to, the filing of complaints, the investigation of complaints and the presentation of cases to a judicial body. Charges may only be filed by the appropriate judicial body, as determined by the Assistant Dean of Student Affairs.

## C. HEARING PROCEDURES

1. **Administrative Hearings** (This includes cases heard by Experience Directors, the Director of Residential Life and the Assistant Dean of Student Affairs, the Vice President for Student Affairs, or any Administrative Hearing Boards). Hearings at GPS sites will adhere to guidelines established for Administrative Hearings and shall be conducted by the Campus Director or his/her designee.
  - a. The accused student shall receive a letter electronically from the appropriate judicial body requesting a meeting by a specified date to discuss the alleged incident, such a meeting date being at least two (2) days after the date of the letter. It is the responsibility of every student to check his/her college e-mail account on a daily basis to receive hearing information, as well as other important college communications. GPS students will receive letters by regular mail.
  - b. Each student is expected to attend his/her hearing. If the student fails to meet with the judicial body by the date specified, the judicial body shall decide the matter, to include disciplinary sanction, without the benefit of the accused student's input.
  - c. An administrative hearing is normally conducted as an educational dialogue between the judicial body and the accused student; an educational dialogue has the full participation of all parties and is done for the purpose of learning from the situation, as well as upholding community standards. Other parties with direct knowledge of the incident in question may be present, but only at the request of the judicial body. Administrative hearings are conducted in private. Decisions regarding who is present-beyond the accused, complainant, advisors, and approved witnesses-will be at the complete discretion of the judicial body.
  - d. An accused student may have an advisor of his/her choosing from within the college community present at the hearing. The advisor may be selected from faculty, staff, and students. The advisor shall not participate directly in any aspect of the hearing; the advisor may only address the accused student. It is the student's responsibility to present all aspects of his/her own defense.
  - e. The judicial body's decision shall be made on the basis of whether it is more likely than not that the accused student violated the Student Code.

- f. The only record which shall be made of an administrative hearing is the written decision of the judicial body, which will be maintained in the student's personal file in the Office of Student Affairs.

## **2. Judicial Board Hearings**

- a. The accused student shall receive a letter from the Assistant Dean of Student Affairs stating the alleged violation(s) of the Student Code. Included in the letter shall be the date, time, and place of the hearing.
- b. The accused student is strongly encouraged to meet with the Assistant Dena of Student Affairs prior to the hearing to review hearing procedures, to review the student's basic rights at the hearing, to inform the Assistant Dean of Student Affairs of any witnesses he/she expects to have present, to indicate any evidence he/she plans to present, and if chosen by the student, the name of the advisor who will be present for the student.
- c. Judicial Board hearings are conducted in private, with only the participants and advisor(s) being present. Admission of any other person to the hearing shall be the decision of the chairperson of the Board.
- d. In hearings involving more than one accused student, the chairperson, at his/her discretion, may permit hearings concerning each student be conducted separately.
- e. Pertinent records, exhibits and written statements may be accepted as evidence for consideration at the hearing by the Board at the discretion of the chairperson.
- f. All procedural questions related to the hearing are subject to the final decision of the chairperson.
- g. The only witnesses permitted to present testimony to the Board will be those persons with direct (not second-hand or hearsay) knowledge about the events or matters under consideration by the Board. The number of witnesses will be determined by the chairperson of the Judicial Board.
- h. The Board hearings follow prescribed procedures and the Board is advised by a faculty or staff member, who is appointed by the chairperson in consultation with the Assistant Dean of Student Affairs and serves as a non-voting member of the Board. The advisor to the Judicial Board may, at his/her discretion, advise the accused

student and/or the accused student's advisor, as to procedural matters during the hearing.

- i. An accused student may have an advisor of his/her choosing from within the college community present at the hearing. The advisor may be selected from faculty, staff, and students. The advisor shall not participate directly in any aspect of the hearing; the advisor may only address the accused student. It is the student's responsibility to present all aspects of his/her own defense.
- j. There shall be a single verbatim record in the form of a tape recording with Judicial Board hearings, not including the deliberations. The record shall be held in confidence and shall be the sole property of the College.
- k. After the hearing, the Board shall determine (by majority vote) whether the student has violated the Student Code and, if appropriate, a sanction(s) for such violation. The Board's decision shall be on the basis of whether it is more likely than not that the accused student violated the Student Code. The Board's decision and appropriate sanction will be recommended to the Assistant Dean of Student Affairs or his/her designee. The Assistant Dean of Student Affairs shall communicate in writing his/her decision to the accused student.

D. INTERIM SUSPENSION

1. Interim Suspension may be imposed only: a) to ensure the safety and well-being of members of the college community or preservation of college property; b) to ensure the student's own physical or emotional safety and well-being; or c) if the student's presence is viewed as either dangerous to persons or property, or disruptive to normal campus functions or to members of the college community.
2. During the Interim Suspension, a student is denied access to the residence halls and/or to college premises and/or all other college activities or privileges for which the student might otherwise be eligible, as the Vice President for Student Affairs or his/her designee may determine to be appropriate, (or the Dean of GPS for cases relating to GPS students).
3. The student may return to campus at the appointed time for his/her judicial hearing

## **E. THE APPEAL PROCESS**

An accused student may appeal a decision of any level of the judicial system within five (5) days of written notification of the decision. A person(s) bringing the complaint or accusation does not have the opportunity for appeal. The decision of any appellate authority is final.

### **1. The Appeal Authority**

- a. Appeals presented from cases heard by an Experience Director are directed to the Director of Residential Life.
- b. Appeals presented from cases heard by a Director of Residential Life are directed to the Assistant Dean of Student Affairs.
- c. Appeals presented from cases heard by the Assistant Dean of Student Affairs are directed to the Vice President for Student Affairs.
- d. Appeals presented from cases heard by the Vice President for Student Affairs are directed to the President of the College.
- e. Appeals presented from cases heard by the Judicial Board are directed to the College's Appeals Board.
- f. Appeals presented from cases heard by an Administrative Hearing Board are directed to the Vice President for Student Affairs.
- g. Appeals by students in Graduate and Professional Studies will be heard by the Dean of Graduate and Professional Studies.

### **2. Grounds for Appeal**

One or more of the following grounds for appeal must be present; these are the only grounds upon which a judicial decision may be appealed:

- a. There is significant new information relevant to the case which was not available at the time of the original hearing.
- b. There is evidence that the person(s) or Board that held the original hearing was unduly biased in deciding the matter.
- c. The sanction imposed was capricious (e.g. the sanction was excessive when compared with previous sanctions for similar violations under similar circumstances for students with similar disciplinary records).

### **3. Process for Administrative Appeals**

An administrative appeal is one, which is heard by the Director of Residential Life, the Assistant Dean of Student Affairs, the Vice President for Student Affairs, the Dean of Graduate and Professional Studies (for all GPS student cases), or the President of the College.

- a. The appeal must be in writing and must state the specific ground(s) for appeal.
- b. The appeal must be delivered to the appropriate Appeal Authority.
- c. The Appeal Authority shall determine what evidence, documentation, etc. is necessary to consider the appeal. The Appeal Authority will not normally meet with the student presenting the appeal; thus, the written appeal should be thorough and complete.
- d. If sufficient grounds for appeal are evident, the Appeal Authority will take action on the appeal. Choices of action are to sustain, decrease, increase, modify, or void the sanction. When circumstances warrant, as determined by the Appeal Authority, the case may be referred back to the original level of judicial system for review of the case (e.g. where new evidence exists, which was not available at the time of the original hearing).
- e. If sufficient grounds for appeal are not evident, the Appeal Authority will identify this to be the case, and the appeal will not be heard; the original sanction will stand.

### **4. Process for College Appeals Board**

The College Appeals Board considers only those appeals presented from cases heard by the Judicial Board. The College Appeals Board is appointed and consists of one (1) administrator, one (1) faculty or staff member from an academic division, and one (1) student. Members of the Appeals Board will read and consider an appeal. The findings of the College Appeals Board shall be advisory to the College President and final action on such appeals will rest with the President.

- a. The student should consult with the Assistant Dean of Student Affairs for information related to the College Appeals Board and its process. It is the student's responsibility to thoroughly understand the process before proceeding to an appeal. Any questions should be made to the Assistant Dean of Student Affairs.

- b. The appeal must be presented in writing within five days of written notification of the decision and must state the ground(s) for appeal.
- c. The appeal must be delivered directly to the Assistant Dean of Student Affairs within the time period specified within the original judicial letter.
- d. Normally, neither the President nor the Appeals Board will meet with the student presenting the appeal in determining sufficiency of the grounds for appeal.
- e. Normally, the Appeals Board will meet within ten (10) days of receipt of the appeal from the Assistant Dean of Student Affairs to determine sufficiency of grounds for appeal.
- f. If sufficient grounds for appeal are present, the Appeals Board will recommend action on the appeal to the College President. Choices of action are to decrease, sustain, increase, modify, or void the original sanction. When circumstances warrant, as determined by the Appeals Board, a case may be referred back to the original level of the judicial system for a review of the case (e.g. new evidence not available at the time of the original hearing), or the Appeals Board may choose to have the case reheard (e.g. the original judicial body was unduly biased). Whenever a case is referred back to the original judicial body, the original sanction, unless modified or vacated by the Appeals Board or the College President, will remain in full force and effect, pending such further review or rehearing. The outcome of the new hearing, whether by the original body or a new one, becomes the final decision on the case.
- g. If sufficient grounds for appeal are not present, the Appeals Board will advise the College President accordingly, and no appeal will be heard; the original sanction will stand.

#### **5. Status Of A Student During An Appeal**

Normally the sanction determined by the judicial body shall be in effect immediately and remain in effect, pending the appeal process. Any exception to this may only be made with the approval of the Vice President for Student Affairs, or the Dean of GPS for cases on GPS campuses and shall only be made for rare and extenuating circumstances.

Should the sanction be to separate a student from the College (College Suspension or College Expulsion), the Assistant Dean of Student Affairs may

allow a student to continue in classes if the student is not seen as a threat or danger to any member of the college community, or as a source of disruption to the normal operations to the college community. This provision is to prevent the assumption of the resolution, of the appeal process. Should the appeal process result in the original sanction being upheld, the student will be withdrawn from all enrolled classes as of the date of the original sanction, in accordance with policy recommended by the College's Academic Standards Committee.

#### **F. NOTICE TO PARENTS AND ACADEMIC ADVISORS**

Parents or guardians will be informed in any instance of their student being sanctioned with Censure or a more severe sanction. A student's academic advisor will also be informed in any instance of the student being sanctioned with Censure or a more severe sanction. Administrators/staff determined to have a need to know will also be notified.

#### **G. SANCTIONS**

1. Determination of an appropriate sanction shall be based upon the seriousness of the violation and the student's previous disciplinary record. Students are expected to learn sufficiently from the disciplinary process so as not to have repeated violations of the Student Code. Should a student repeatedly violate other sections of the Student Code, the minimum sanction imposed would be at least as severe as the previous sanction.
2. Repeated violations of policies relating to underage possession/consumption of alcohol or irresponsible use of alcohol will result in progressively more severe sanctions. Sanctions will generally result in: a warning and educational sanction for first offense, conduct probation and work hours for a second offense, and college suspension for a third offense. [Passed by SGA, 1999]
3. Violations relating to damage and/or vandalism will result in a minimum of restitution and a 25% fine. A repeat violation will likely result in a residence hall suspension. [Passed by SGA, 2002]
4. More than one sanction listed below may be imposed for any single violation.
5. With the exception of College Expulsion, disciplinary sanctions shall not be recorded on the student's permanent academic transcript, but shall become part of the student's personal record maintained in the Office of Student Affairs. Upon graduation, the student's personal record may be expunged of disciplinary sanctions with the exception of College Expulsion, upon written application by the student to the Vice President for Student Affairs.

6. Failure to comply fully with the conditions of any imposed sanction shall lead to more serious disciplinary action, including the possibility of suspension or expulsion from the residence halls and or suspension or expulsion from the College.
7. A written record of all disciplinary sanctions issued to a student will be maintained in the student's personal record maintained in the Office of Student Affairs.
8. The following sanctions may be imposed upon a student who has violated the Student Code.
  - a. **Written Warning** consists of formal notification that the student has violated the Student Code and advises that repetition will result in a more severe sanction. A written record of the warning is made.
  - b. **Educational Sanction** is a non-punitive sanction usually imposed in conjunction with another sanction. Educational sanctions may include, but are not limited to, professional counseling, change in residence hall, participation in an educational program, writing a research paper, a supervised work project, a service project, etc. The educational sanction must be completed within the manner and time stated as part of the sanction. Participation in certain programs may be withheld or restricted until educational sanctions are completed (e.g. participation in room lottery).
  - c. **Restitution** is full payment for the cost of damage(s), as determined by the College, of materials and labor for repair or replacement of damaged, destroyed, or stolen college property.
  - d. **Censure** is an official reprimand for violation of the Student Code; repeated violations of the Student Code shall result in a more severe sanction; may be attached to the loss of specified privileges; an educational sanction is normally attached to Censure.
  - e. **Conduct Probation** is a serious reprimand for a violation of a specific college policy. The loss of specified privileges may also be involved. Conduct Probation is for a specified period of time, and more severe disciplinary sanction(s) will be imposed should the student further violate any college policy.
  - f. **Residence Hall Suspension** separates a student from the residence halls for a specified period of time, or until specified conditions are met. A student suspended from the residence halls may continue to attend classes and utilize the College's dining hall. However, he/she shall not enter, nor be in the immediate vicinity of, any residence hall; this includes lawn areas, sidewalks, parking lots near the residence halls, etc.
  - g. **Residence Hall Expulsion** is a permanent separation of the student from the residence halls. A student expelled from the residence halls shall also lose all future visitation privileges and utilization of the College's dining hall; the rationale for this is that a student permanently separated from the residence halls and associated group activities shall also lose the privilege of gathering in the dining hall with other students. The student may not enter, nor be in the immediate vicinity of any residence halls.
  - h. **Suspension from Non-Academic Activities** is a separation of the student from all nonacademic activities and functions (e.g. visitation to the residence halls, student activities and programs, sport events, intramural/recreation programs, recreation facilities, athletics, etc.) for a specified period of time.
  - i. **Expulsion from Non-Academic Activities** is a permanent separation of the student from all nonacademic activities and functions (e.g. visitation to the residence halls, student activities and programs, sport events, intramural/recreation programs, recreation facilities, athletics, etc.).
  - j. **College Suspension** is a separation of the student from the College and all college premises, for a specified period of time, or until certain predetermined conditions are met. Readmission after college suspension is not automatic and must have the approval of the Assistant Dean of Student Affairs.

**k. College Expulsion** is the permanent separation of the student from the College, and all college premises. The expulsion will be noted on the student's academic transcript as follows "Expelled per Student Code of Conduct," and the effective date of the expulsion will be noted. This notation will be a permanent part of the student's academic transcript.

#### H. REVIEW BY PRESIDENT OF THE COLLEGE

In all matters concerning this Code, the decision of the College President is final. The College President reserves the right to review all decisions related to student judicial affairs and may sustain, decrease, increase, modify, or void the sanction. When circumstances warrant, as determined by the College President, the case may be referred back to the original level of the judicial system for review of the case (e.g. when new evidence exists which was not available at the time of the original hearing).

Revised 8/03



## FRANKLIN PIERCE COLLEGE HONOR CODE

**PREAMBLE:** On March 23, 1999, the Franklin Pierce College Student Senate passed, by overwhelming majority, a resolution calling for the implementation of a college honor code. This code was approved in the April 26 1999 session of the Student Senate.

*The goal of this Honor Code is to establish a set of Principles to help define and guide responsible membership in this community. The code is to be signed by all students as they enter the College.*

Franklin Pierce College recognizes its highest goal to be the development of intellect and character. That which sets Franklin Pierce College apart from others is that we demand that community members make contributions far larger than they could have hoped when they arrived.

As a member of this community, **I affirm the following commitments:**

**I agree to read, understand and abide by standards of behavior outlined in the Student Code of Conduct and The Student Handbook.**

*Both the Student Code of Conduct and the Student Handbook can be found at our web site ([www.fpc.edu](http://www.fpc.edu)). These important documents outline rules and policies that establish norms for the community. It is every member's responsibility to follow these standards, but also to enforce them with others.*

**I will respect myself, other students, faculty and staff.**

*What makes this community so special is the richness and diversity that every individual brings. Understanding and appreciating individual difference is one of the most powerful learning experiences. Thus we commit to understand one another, to respect one another and care for others.*

**I will respect the College.**

*We are proud of past contributions people have made for the FPC of today. We understand that sacrifices have been made so that we may enjoy this campus. The natural beauty of the region is also spectacular. We agree to improve the environment, whether it is the buildings and facilities or the natural environment.*

**I agree to be involved in the life of the College.**

*A vibrant learning environment is one in which students, faculty and staff are involved in all aspects of College life. Generally, students attend college to learn and develop as individuals. At Franklin Pierce College, we emphasize not only the formal classroom learning, but also learning that occurs outside the classroom through clubs, activities and leadership opportunities. It is everyone's responsibility to be involved in shaping themselves and the College.*

**I am responsible for my own learning and development.**

*As learners, we commit our energy to becoming the best that we can be. We understand our obligation to others and ourselves. We can advance ourselves through hard work, high standards and service.*

**I agree to abide by the highest standards of academic integrity.**

*We will neither engage in nor tolerate acts of academic dishonesty: including but not limited to: plagiarism, cheating, and soliciting academic work from others to present as our own. Furthermore, it is acknowledged that failure to disclose such violations by others is itself a violation.*

**In joining Franklin Pierce College, I commit myself to these principles and accept responsibility bestowed upon me to develop and enhance a culture of respect and responsibility.**

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**Student Signature**

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**Date**

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Student Name (please print)