

STUDENT HANDBOOK

**Western New England University
School of Law**

2014-2015

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PROCEDURES AND PRACTICES

PROCEDURES AND PRACTICES

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PROCEDURES AND PRACTICES

INTRODUCTION

This section of the Student Handbook is intended as a description of the procedures and practices of the School of Law, compiled here for student convenience, and not as an official compilation of these practices and procedures. While every effort has been made to describe the School of Law's procedures and practices with accuracy, any variation between the procedures or practices here described and those mandated by law or by the official rules and regulations of the School of Law or University shall be resolved in favor of those mandated by law or the School of Law or University official rules. The School of Law Handbook, University Handbook nor the rules and regulations of the School of Law or University should be regarded as creating a binding contract between the student and the school. The School of Law and University reserves the right to change any of the requirements and regulations of the school at any time without prior notice. This includes the right to modify requirements for graduation; to change tuition and other fees; to alter any regulation affecting the student body; and to dismiss any student at any time should it be in the interest of the school, university or the student to do so.

COURSEWORK AND RESIDENCY

I. JURIS DOCTOR DEGREE REQUIREMENTS

Students entering in the Fall of 2014 and thereafter: eighty-eight academic credits, six residency credits, and minimum cumulative G.P.A. (grade point average) of 2.33 or above are required for graduation. Also required is the successful completion of all required courses taken in sequence, and the successful completion of professional skills and writing requirements, five units of skills and five units of writing. If these criteria have been met and the student is in good standing, the student is eligible to receive the degree of Juris Doctor. **For more information please consult the Academic Standards, Parts B and C.**

Students entering in the Fall of 2013: eighty-eight academic credits, six residency credits, and minimum cumulative G.P.A. (grade point average) of 2.00 or above are required for graduation. Also required is the successful completion of all required courses taken in sequence, and the successful completion of professional skills and writing requirements, five units of skills and five units of writing **(Students entering before the fall of 2013 may satisfy professional skills and writing requirements by taking one Professional Skills course and one Qualifying Writing course. A student may, with the approval of the Associate Dean for Academic Affairs, elect to satisfy Juris Doctor Degree**

Requirements as those students entering the fall of 2013 and thereafter). If these criteria have been met and the student is in good standing, the student is eligible to receive the degree of Juris Doctor. **For more information please consult the Academic Standards, Parts B and C.**

Pro Bono Requirement. Any student who began their law studies in fall 2012 or thereafter must complete 20 hours of pro bono law-related service in the period between the end of the first semester of law school and the beginning of their last semester of law school. Pro bono service must be both uncompensated and not for academic credit. For purposes of this requirement, pro bono service is defined as the provision of law-related services to: (1) Persons of limited means, (2) charitable, religious, civic, community, governmental and educational organizations in matters which are designed primarily to address the needs of persons of limited means, (3) individuals, groups or organizations seeking to secure or protect civil rights, civil liberties or public rights, (4) charitable, religious, civic, community, governmental or educational organizations in matters in furtherance of their organizational purposes, where payment of standard legal fees would significantly deplete the organization's economic resources, (5) activities for improving access to the law, improving the legal system or improving the legal profession, and (6) educational activities for improving the public's understanding of the law, the legal system, or the legal profession. All pro bono placements must be pre-approved by the Office of Career Services to receive credit towards this requirement. The Associate Dean for Academic Affairs is authorized to grant variances from the time limitations for completion of the pro bono requirement, but not the requirement itself, in cases of substantial hardship or exceptional merit. Further details about the pro bono requirement are available at the Office of Career Services. **Students are responsible for checking Pro Bono requirements in the state(s) in which they plan to take the bar exam after graduation.**

Bar Preparation Course Requirement. (1) At the outset of the 2013-2014 academic year, all graduating seniors must take a school-provided bar preparation course during the final year of her or his law studies. (2) Students who do not perform adequately in the bar preparation class must take the prescribed remediation steps.

II. GRADING SYSTEM

1. **General.** The School of Law records letter grades in courses, except where the nature of the course makes a letter grade impractical. The School of Law grade structure for all course work is as follows:

A 4.00	B 3.00	C 2.00	D 1.00	P Pass
A- 3.67	B- 2.67	C- 1.67	F 0.00	W Withdraw
B+ 3.33	C+ 2.33	D+ 1.33		AU Audit only

The cumulative grade point average of any student is determined by multiplying each grade given for every graded course by the total number of semester hours assigned to that course, then dividing the product by the number of graded credits attempted. Grade point averages are calculated to the second or hundredths decimal place and are not rounded upward or downward. Grade point averages are calculated for every student upon the submission of course grades for each semester and summer term, where applicable.

2. Pass-Fail Courses. In certain courses, a grade of “P” (Pass) is assigned if the student satisfactorily completes the course. A grade of “P” in a pass-fail course does not have a grade point value, but is intended to reflect work equivalent to the letter grades of “A” through “C”. A grade of “F” in a pass-fail course is intended to reflect work equivalent to the letter grades of “C-” through “F”. A grade of “F” (Fail) in a pass-fail course is treated as if it were a letter grade of “F”. Courses taken at another law school for credit have no effect on a student’s cumulative grade point average at this School of Law.
3. Unsatisfactory Grades. Grades of C, C-, D+, and D are considered Unsatisfactory. A grade of F is considered Failure and no credit is awarded. A student with a grade point average of less than 2.33 at the end of the spring semester of any academic year, is subject to dismissal. Any required course with a grade of F must be repeated. If the failing grade is in a course which is the prerequisite to an advanced course, the prerequisite course must be repeated successfully before the advanced course is taken.
4. Grade Normalization. The law faculty has adopted a grade normalization policy for all graded courses. Under this policy, a faculty member who is teaching a required course or a large section course (25 students or more) must distribute grades so that the median grade for the class is a B, with the distribution as follows:
 - A- And above 0-25%
 - B- And above 40-85%
 - C- And above 75-100%
 - D+ And below 0-25%A faculty member who is teaching a graded course other than a required course, a large section course, or a small section course (eight or fewer students) must distribute grades so that the mean or average for the class falls within the range of 2.90 to 3.67. Faculty members whose grades fall outside those limits are required to request a variance from the Associate Dean before grades are distributed.
5. Academic Warning.

All students below a cumulative final grade point average of 2.67 or with a

single first-year grade below a “C+” will be placed on a new status, “academic warning”; this status will remain in effect through graduation. Students on academic warning will be required to (a) take academic success courses, (b) take a school-provided bar preparation course during the final year of their respective studies, (c) have their course selections for all subsequent semesters approved by the Associate Dean for Academic Affairs or her delegate, to ensure that the chosen curriculum provides an academically rigorous education and improves the likelihood of bar success, (d) meet regularly with the Director of Academic Success to strategize for success and (e) not serve as an officer in any student organization without prior approval of the Associate Dean for Academic Affairs or her designate. Failure to comply with these conditions will lead to dismissal or withdrawal. **For dismissal policies and procedures, please refer to the Academic Standards section of the Student Handbook (Academic Standards, Part C, I-IV).**

III. INCOMPLETE GRADES

If the professor has granted an incomplete grade, the work for the course must be completed by the day grades are due in the following academic semester. An “I” (Incomplete) will appear on the student's transcript until the grade is submitted to the Registrar's Office. If work is not completed by the deadline, a failing grade may be given.

IV. EXTERNSHIPS

Externships provide valuable opportunities to experience particular aspects of law practice. A student may earn three credits for any approved externship that provides 12 hours per week of on-site supervision. Contemporaneously with the student's first externship, s/he shall enroll in the applicable one-credit externship seminar. A student may take three externships for credit as part of his or her law curriculum. To be eligible to take an externship, a student must have completed 32 hours of law studies. Faculty members teaching the externship seminars shall supervise students enrolled in the course. All other externships must be supervised by a faculty member.

A student may not take more than three externships for a maximum of nine academic credits (not including the one-credit externship seminar). If a student takes more than one externship, the externships must be substantially different from each other.

V. RESIDENCY REQUIREMENTS

Residency requirements prevent students from early graduation from the School of Law. To earn the required six residence credits, a full-time student must pass a minimum of 12 credits in at least six semesters, and a part-time

student must pass 9-10 credits in at least eight semesters. For further information see the Academic Standards, Part B.II.

VI. STUDENT PRACTICE

Massachusetts: 3:03 Certification

Supreme Judicial Court Rule 3:03 allows a law student of senior status to practice in certain circumstances in both civil and criminal cases in a Massachusetts court under the direction of a Massachusetts attorney. A second-to-last year student may practice civil cases if participating in a law school clinical instruction program. Such student practice is generally limited to government practice or representation of indigent persons and must be done without compensation. To be eligible, the student must be in good standing, of good character, and have successfully completed or be currently enrolled in LAW 553, Evidence, or LAW 681, Trial Methods. A part-time student may participate as a senior when s/he has completed 56 academic credits.

If you are eligible and wish to be certified under Rule 3:03, bring the name, address, and Board of Bar Overseers Number of the supervising attorney to the Registrar's Office for transmission to the Supreme Judicial Court. A response is usually received within one week. *Please see S.J. C. Rule 3:03*

Connecticut: Rule 75

A student may practice in Connecticut under Rule 75 under the guidance of a practicing attorney in the State of Connecticut if the student has completed two full semesters in an ABA accredited law school. If, as is so for students attending Western New England University School of Law, the student attends a non-Connecticut law school, the student must be eligible for student practice in the state where the student ends law school. If you are eligible to practice in Massachusetts under Rule 3:03, then certification in Connecticut should be possible. *Please see Connecticut Rule 75.*

Rhode Island: Rule 9

Rule 9 requires a student to have senior status (completed 2 years in a 3-year law school program or completed 3 years in a 4-year law school program) in a law school accredited by the ABA. The student needs to be currently enrolled in or have completed a trial practice course or evidence course before completing his/her second year of law school. Students must have written verification from the Dean of their law school that they are in good standing, have sound character, and have the proper legal ability and training. Placements for Rule 9 candidates will be within the Office of Public Defender, the Criminal Division of the Attorney General's Office, a city or town Solicitor's Office, or District, Family, or Superior Court (with the presiding Judge's consent). The Registrar's Office is unable to send a certifying letter unless all of the above requirements have been met. *Please see Rhode Island Rule 9.*

VII. TRANSFERRING

Students interested in transferring to another institution should contact the school of interest to obtain transfer information. Requests for transcripts and letters of good standing from the dean may be obtained through the Registrar's Office. For more information, contact the Associate Dean of Law Student Affairs or the Associate Dean for Academic Affairs.

VIII. VISITING ANOTHER LAW SCHOOL

Under certain, relatively narrow circumstances, a student may visit another law school during the academic year if the school is ABA accredited and AALS approved. Visits at ABA accredited and AALS approved law schools during summer sessions, including sessions abroad, are more widely authorized. For either kind of visit, prior approval must be obtained from the Associate Dean for Academic Affairs. The Request to Visit Form is available in the Registrar's Office, and information about summer visits abroad is available through the Career Services Office. Requests for summer visits are processed on a rolling basis throughout the spring semester. Requests for visits during the academic year must be submitted to the Associate Dean by March 1st of the spring term before such visit is requested. **For full details on visiting another law school, see the Academic Standards, Part D.**

IX. WITHDRAWALS

If a student drops a class during the add/drop period, no record of a withdrawal will appear on the student's transcript. If the student drops a class after the last day of add/drop, a *W* will appear on the student's transcript. A student may withdraw without prior permission from any elective course through the last day of classes for a semester, *unless dropping the course will cause the student to fall below the minimum number of credits for a semester. In that case, a student may drop an elective course only with the permission of the Associate Dean for Academic Affairs.* Students are not permitted to withdraw from required courses absent extraordinary circumstances, and then only with permission of the Associate Dean for Academic Affairs or the Academic Standards and Student Petitions Committee. **For full details, please consult the Academic Standards, Part A.VI.**

EXAMINATIONS

I. EXAM CONFLICTS

A student shall be granted a departure from the examination schedule for a conflict. A conflict in the examination schedule is defined as: (A) two examinations simultaneously; (B) two examinations in successive examination periods (including night-morning but excluding Saturday-Monday); (C) two

examinations on the same day; (D) three examinations on three successive calendar days for part-time students employed full-time who certify that they cannot obtain time off during the examination period; (E) four examinations on four consecutive calendar days, unless the student has a reading period of four consecutive calendar days (or five non-consecutive calendar days) between his or her last day of classes and the first of his or her four consecutive exams; (F) four examinations on four consecutive calendar days in any semester in which the exam schedule was not published by the end of the fifth day of classes.

The exam schedule is published each semester, after online registration but before the add/drop period ends. The exam schedule can be found online at www.law.wne.edu.

The Registrar's Office will make conflict forms available. If a student wants to reschedule one of the exams in conflict, a conflict form must be filed in the Registrar's Office by the deadline specified at the top of the exam schedule. The conflict(s) will be resolved by the Registrar's Office, and the student will be informed of the date, time, and room where the make-up exam will be given. It is important to file the conflict form on time and to notify the Registrar's Office promptly if the student intends to take his/her exams as originally scheduled.

Each instructor is notified of the number of make-up exams to expect and the date and time they are scheduled. The instructor has the option of giving a different exam. Students should NEVER inform their instructor when they have a conflict or a make-up exam. **For full details, please consult the provisions of the Honor Code and the Academic Standards.**

II. EXAM NUMBERS

All examinations are graded anonymously. The exams are proctored and exam numbers are used to identify the student in lieu of his/her name.

A different exam number is assigned to each student each semester and these are available online on the student's schedule for the appropriate semester as viewed through ASAP (Administrative Systems Access Point) before the end of classes and throughout the exam period. Students should identify themselves only by exam number on their exams and exam answers. The possible consequences of using any identifying information on an exam other than the assigned exam number e.g., Social Security number or "Graduating Senior" include having the grade withheld, a failing grade, or having the matter reviewed by the Honor Committee. **For full details, please refer to the Honor Code.**

Any additional points that are assigned by name are submitted to the Registrar's Office to be integrated with the exam grade for a final course grade.

III. EXAM PROCEDURES

In the event of an emergency that would prevent a student from taking an exam as scheduled, only the Associate Dean for Academic Affairs has authority to allow the exam to be rescheduled. Students ***should not*** contact their professors about such a conflict or emergency but should notify the Associate Dean (413-782-1622) or the Registrar's Office (413-782-1402) as soon as possible. In the case of illness, a note from the attending physician is required documenting when the student was seen, the diagnosis, and treatment as it relates to when the student can and cannot take the exam. If an exam needs to be postponed because of a death or illness in the family, documentation may be required. When part-time students who work full-time are required to be somewhere else because of their work, a letter from the student's employer on company letterhead is required specifying that the student must be at work or traveling at the time the exam is scheduled. In each of these cases, the exam must be rescheduled as soon as possible. **For full details, please consult the Honor Code and the Academic Standards.**

IV. LAPTOP EXAMS AND EXAM ACCOMMODATIONS

Students may type their examination answers, but they must provide their own lap-tops and arrange through the Registrar's Office to down-load the exam software. Each semester, the Registrar's Office posts notices and emails informing students of the procedures to down-load the software.

Any student who has a disability that requires special facilities in the taking of his or her exam should see the Associate Dean for Law Student Affairs as set forth in the ***Academic Policies, Accommodations for Disabilities*** section of this Handbook. It is important for a student with a disability to meet with the Associate Dean for Law Student Affairs as early in the semester as possible; if a student delays, s/he may miss the deadline for documenting the disability and arranging an appropriate accommodation. It is highly recommended that documentation for testing accommodations be submitted at least one week before the start of the reading period.

V. EXAM RESULTS

Exam results are available online through the ASAP site. No results are released by telephone or email.

For the fall semester, Instructors shall report all final examination grades to the Registrar not later than the day before the Registrar's Office opens after the Winter Recess. For all other semesters other than the fall semester, Instructors shall report all course grades to the Registrar not later than 14 days after the date of the last final examination. Updated transcripts are available to the student when all of his/her grades have been received. All grades can be accessed through the ASAP site at <http://yoqi.wne.edu/general/welcome.htm>.

VI. REVIEWING EXAMS

Exams for the immediately preceding exam period are available for review by students. Exams for day courses are kept by the faculty assistants on the second and third floors and exams for evening courses are kept in the Registrar's Office. Exams can be signed out for 24 hours only by each individual student. The exams can be photocopied by the student, if desired. When a student has an appointment to review his/her answers with the instructor who gave the exam, the instructor may request the exam.

Exams are kept for one year following the exam period. After one year, exams are kept in a secure storage area.

REGISTRATION

I. ON-LINE REGISTRATION

Returning students register on-line for the upcoming academic year during the month of July. Each student will receive instructions on how to access the course schedules and descriptions and how to register for both fall and spring courses. Registration is a "first-come, first-serve" process. However, graduating seniors (third year full-time and fourth year part-time) will have exclusive registration privileges during the first week of registration. After the first week, second year full-time, third year part-time, and transfer students will gain access to registration. We use a system of waiting lists and lotteries to allocate seats in limited enrollment courses. We do our best to honor and accommodate student schedule requests and preferences. This is done through an email to registration@law.wne.edu. **Please refer to the Academic Calendar for important the deadlines to Add/ Drop and/or withdraw from a course.**

II. IN-PERSON REGISTRATION

In-person registration is designed for those students who are left with an incomplete schedule the week prior to the beginning of school. Any student who is missing at least one course from his/her schedule is eligible for in-person registration. A list of closed courses and waiting lists for those courses will be available during in-person registration.

III. ADD/DROP/WITHDRAWAL

The first ten (10) days of classes each semester and the first three (3) days of the summer session are reserved for add/drop. No student may drop a required course or fall below the minimum number of credits without permission from the Associate Dean for Academic Affairs.

Courses dropped after the add/drop period will remain on the academic record and a *W* (Withdrawal) will be recorded. The last day to withdraw from a course is the last day of classes.

IV. SUMMER SCHOOL

Summer school is designed primarily for part-time students who want to graduate in four years. Two to three summers taking eight to ten credits total are necessary for part-time students to graduate in four years.

Students may take up to five credits during each summer session. Permission must be received from the Associate Dean for Academic Affairs for more than five credits.

Part-time students do not pay tuition for summer courses because it is included in their annual tuition. A per credit tuition fee plus a general service and registration fee is required for full-time students enrolled in summer courses. A registration fee and the general service fee will be charged to all student accounts regardless of status. Please contact Student Administrative Services (SAS) for any issues or explanations regarding billing, fees, or financial aid.

V. EMAIL ACCOUNTS

Every student shall regularly check their official law school WNE email account because each student is **responsible for any and all information and notifications sent by the school. All official school correspondence and important notifications are sent to your official WNE email address.**

ADDITIONAL ACADEMIC POLICIES

I. ABSENCE DICTATED BY RELIGIOUS BELIEFS

The General Laws of Massachusetts, Chapter 151C, Section 2B, provide that:

Any student in an educational or vocational training institution, other than a religious or denominational educational or vocational training institution, who is unable, because of his (or her) religious beliefs to attend classes or to participate in any examination, study, or work requirement on a particular day shall be excused from any such examination or study or work requirement which he (or she) may have missed because of such absence on any particular day; provided, however, that such makeup examination or work shall not create an unreasonable burden upon such school. No fees of any kind shall be charged by the institution for making available to the said student such opportunity. No adverse or prejudicial effects shall result to any student because of his availing himself of the provisions of this section.

If due to religious belief you are unable to take a scheduled exam or participate in any other required activity, please see the Associate Dean for Academic Affairs.

II. ACCOMMODATIONS FOR DISABILITIES

Title III of the Americans with Disabilities Act, 42 U.S.C. §12182(a), provides that no individual shall be discriminated against on the basis of disability in the full and equal enjoyment of the goods, services, facilities, privileges, advantages, or accommodations of any place of public accommodation. As a place of public accommodation the University adheres to the requirements of the Act.

The School of Law provides an accessible entry on the side of the building. An elevator is available for access between floors. Special arrangements will be made depending on student needs for classroom work and exams. ***It is the student's responsibility to notify the Associate Dean for Law Student Affairs to request special arrangements or accommodations. This notification must be made within the first month of each semester of each year of law school.***

Students requesting accommodations and/or support services under the Americans with Disabilities Act (ADA) and/or Section 504 of the Rehabilitation Act of 1973 must provide documentation of the existence of a learning disability which substantially limits a major life activity. In order to accurately determine the appropriate accommodations, the documentation should be current, within three years. It may be appropriate to extend the testing limit to five years if the testing is reflective of the adult's current functioning. In all cases, the documentation should be appropriate to the anticipated setting.

The School of Law's Office of Student Affairs will help arrange the services you need to transition to law school and succeed as a law student. In order to access these services, you must first provide the Office of Student Affairs with current and relevant documentation. The guidelines below are consistent with those suggested by the Association of Higher Education and Disability (AHEAD) best practices.

General Guidelines

1. States a specific diagnosis according to the DSM-IV
2. Is current (for those with learning disabilities, documentation is usually current within three years or, five years for students out of high school for two or more years. (IEP's do not qualify as documentation)).
3. Describes the presenting problem(s) and developmental history, including relevant educational and medical history.

4. Describes the comprehensive assessments (neuropsychological or psycho-educational evaluations) including evaluation dates used to arrive at the diagnosis.
5. Describes functional limitations resulting from the disability, as supported by the test results.
6. Describes specific recommended accommodations and provides a rationale explaining how these specific accommodations address functional limitations.
7. Establishes the professional credentials of the evaluator, including information about licensure or certification, education or specialization.

Note: Specific guidelines may vary depending upon an individual's disability status and/or extenuating circumstances.

Grievance Procedure

The School of Law has adopted a grievance procedure providing for prompt resolution of complaints by persons who believe they have been subjected to discrimination based upon their disability. The procedure set out is the exclusive method of appeal within the School of Law. Appeals as permitted herein will be considered only if they are filed in a timely manner.

1. A person who requests an accommodation and who believes that the accommodation has been impermissibly denied or that the granted accommodation is not sufficient shall first bring the matter to the attention of the Associate Dean of Academic Affairs.

The Associate Dean for Academic Affairs, after consideration of the student's concerns and review of the documentation provided, shall present the student in writing, with this decision

2. If unsatisfied with the decision of the Associate Dean, the student may file an appeal with the Chair of the Academic Standards Committee. The appeal must be filed within ten (10) working days of receipt of the decision and it must state in writing the grounds for appeal. All complaints must be in writing. The Academic Standards Committee shall prepare in writing a decision on the appeal as expeditiously as is feasible. Absent extraordinary circumstances, the decision will be issued no later than thirty (30) working days of the receipt of the grievance. The decision of the Committee is final.

The School of Law reserves the right to amend or modify this grievance procedure at any time.

III. CONFIDENTIALITY OF REGISTRAR'S

The Family Educational Rights and Privacy Act of 1974 (FERPA) assures each student the right to inspect and review all law school records, files, and data directly related to the student with the exception of medical and psychiatric records, confidential recommendations submitted before January 1, 1975, records to which the student has waived the right of access, and financial records of the student's parents or guardians.

The Privacy Act also prohibits the distribution of grades to parents or guardians without the student's prior written consent or a statement of dependency from the student's parent or guardian when the student is a dependent as defined under the Internal Revenue Code.

FERPA provides the University with the right to make public at the University's discretion, without prior authorization from the individual student, the following personally identifiable information, known as "Directory Information":

- **Name of student;**
- **Class year;**
- **Local and permanent addresses and telephone numbers; (including cellular telephone numbers);**
- **Email addresses;**
- **Enrollment status (i.e. full-time or part-time);**
- **Date and place of birth;**
- **Dates of attendance at Western New England University;**
- **Dates of degree, honors, and awards received;**

A student may prevent the release of the above information by filing a Directory Information Waiver Form with Student Records Office. ***Students should be aware that completing this Directory Information Waiver Form may result in the following consequences (this list is NOT exhaustive): missed mailings, messages and announcements, non-verification of enrollment or degree status, and non-inclusion in the campus directory, Commencement program, and other University publications.***

IV. NON-DISCRIMINATION POLICY

Western New England University does not discriminate on the basis of race, religion, color, creed, national origin, age, sex, sexual orientation, gender identity, gender expression, veteran status, or disability in admission to, access to, treatment in, or employment in its programs and activities. The following person has been designated to handle inquiries regarding the non-discrimination policies:

Assistant Vice President and Director of Human Resources
Western New England University
1215 Wilbraham Road, Springfield, MA 01119
(413) 782-3111

Inquiries concerning the application of non-discrimination policies may also be referred to the Regional Director, Office for Civil Rights, U.S. Department of Education, J. W. McCormack P.O.C.H., Room 222, Boston, MA 02109-4557.

V. Procedure for Student Complaints Concerning the Program of Legal Education:

As an American Bar Association accredited law school, Western New England University School of Law is subject to the ABA Standards for Approval of Law Schools. The ABA Standards may be found at

http://www.americanbar.org/groups/legal_education/resources/standards.html.

Any student at the law school who wishes to bring a formal complaint to the administration of the law school alleging a significant problem that directly implicates the law school's program of legal education and its compliance with the ABA Standards should do the following:

1. Submit the complaint in writing to the Associate Dean for Academic Affairs or the Associate Dean of Student Affairs. The writing may consist of an e-mail, U.S. mail, or fax.
2. The writing should describe in detail the behavior, program, process, or other matter that is the subject of the complaint, and should explain how the matter implicates the law school's program of legal education and its compliance with a specific, identified ABA Standard(s).
3. The writing must provide the name, e-mail address, phone number, and a street address of the complaining student, for further communication about the complaint.

Within three weeks after the receipt of the complaint, or if the complaint is received within three weeks before the last day of classes in a semester, within three weeks of the beginning of the next semester, the administrator, or the administrator's designee, will either meet with the complaining student or respond to the substance of the complaint in writing. In this meeting, or in this writing, the student will either receive a substantive response to the complaint or information about what steps are being taken by the law school to address the complaint or to further investigate the complaint. If further investigation is needed, after the completion of the investigation, the student will be provided with either a substantive response to the complaint or information about what steps are being taken by the law school to address the complaint.

Within two weeks after being advised of any action the law school is taking to address the matter, the student who filed the initial complaint, may appeal the decision regarding the complaint, to the Dean of the law school, or if the Dean decided the merits of the complaint, to the Provost Vice President of Academic Affairs of the University. Any decision made on appeal by the Dean, or by the Provost shall be final.

A copy of the complaint and a summary of the resolution of the complaint will be kept in the office of the Dean for a period of seven years from the date of final resolution of the complaint.

ACADEMIC STANDARDS

ACADEMIC STANDARDS

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ACADEMIC STANDARDS

PART A. FULL AND PART-TIME STUDENTS: COURSE LOAD; OUTSIDE EMPLOYMENT; DROPPING A COURSE; AND LAST DAY OF ENROLLMENT

I. FULL-TIME STUDENTS

A. *Definition.* A full-time student is one who devotes substantially all of the student's working hours to the study of law and who is enrolled in 12 or more academic credit hours of course work.

1. *Normal Full-Time Program.* The normal academic course load for a full-time program is 16 academic credit hours per semester (or 32 academic credit hours per year) in the first year, and 14 academic credit hours per semester (or 28 semester hours per year) in the years other than the first year.
2. *Variation From Normal Course Load.* A full-time student is not permitted to enroll in fewer than 12 or more than 16 academic credit hours without special permission from the Dean or the Dean's delegate. Normally a request for this permission shall not be considered unless the reasons for the request are stated in writing so that, if the request is granted, the reasons for that action can be included in the student's personal file.

II. PART-TIME STUDENTS

A. *Definition.* A part-time student is one who, as a general matter, is enrolled in fewer than 12 academic credit hours of course work.

1. *Normal Part-Time Evening Program:* The normal first year academic load is a total of 20 credits and 9 or 10 credits in the semesters that follow.
2. *Variations From Normal Course Load For Part-Time Evening Students:* A part-time evening student is not permitted to enroll in fewer than 9 or more than 10 academic credit hours without special permission from the Dean or the Dean's delegate. Normally, a request for this permission shall not be considered unless the reasons for the request are stated in writing so that, if the request is granted, the reasons for that action can be included in the student's personal file.

3. *Normal Part-Time Day Program:* The normal first year academic load is 10.8 credits in the fall semester and 9.2 credits in the spring semester for a total of 20 credits for the year. However, with the permission of the Dean or the Dean's delegate, part-time day students may request in writing permission to add Constitutional Law to their spring semester course load for a total of 13.2 credits. This request must be made between October 1 and December 15. Students who make such a request and have the request granted are permitted to withdraw from Constitutional Law at any time up until the tenth day of classes of the spring semester without consequence. In subsequent years, part-time day students will take 9 or 10 credits per semester.
4. *Variations from Normal Course Load for Part-Time Day Students:* Except as described in II.3., a part-time day student is not permitted to enroll in fewer than 9 or more than 10 academic credit hours without special permission from the Dean or the Dean's delegate. Normally, a request for this permission shall not be considered unless the reasons for the request are stated in writing so that, if the request is granted, the reasons for that action can be included in the student's personal file.

III. CHANGE OF STATUS

Under the academic rules, students are permitted, with permission from the Associate Dean for Academic Affairs, to change from part-time status to full-time status, or vice versa. The minimum number of years in which a student who has changed status can graduate will depend upon how quickly the student can earn the required academic credits and residence credits. Since the possible combinations of full-time, part-time, and summer sessions are numerous, any student who is contemplating a change of status should discuss such a change with the Associate Dean for Academic Affairs.

IV. OTHER ACADEMIC PROGRAMS

No student may earn academic credit in a program outside the Law School, except for combined degree programs or articulation agreements established between the School of Law and other institutions.

V. LAST DAY OF ENROLLMENT

No student may enroll for a course after the close of business on the tenth day of classes of a regular semester or, in the case of summer school, the close of business on the third day of classes for the summer school session.

VI. DROPPING A COURSE

- A. *Required Courses.* All students are expected to take all required courses in the years and semester to which these courses have been assigned. Students are not permitted to drop required courses.
- B. *Restricted Withdrawal Courses.* No student is permitted to drop restricted withdrawal courses subsequent to the second class of the semester. A course is a restricted withdrawal course if the course instructor (with the approval of the Dean or the Dean's delegate) either designates the course as restricted withdrawal in the registration material or gives notice at least one week prior to the start of the course.
- C. *Elective Courses, Fall and Spring Semesters, Full-Time Program.* A student in the full-time program may withdraw from an elective course, other than a restricted withdrawal course, prior to the close of business on the last day of regularly scheduled classes for the semester, provided that the withdrawal does not reduce the student's academic load to less than 12 academic credit hours that semester.
- D. *Elective Courses, Fall and Spring Semesters, Part-Time Program.* A student in the part-time program may withdraw from an elective course, other than a restricted withdrawal course, prior to the close of business on the last day of regularly scheduled classes for the semester, provided that the withdrawal does not reduce the student's academic load to less than 9 academic credit hours for that semester.
- E. *Elective Courses, Summer School.* A student in the summer program may withdraw from an elective course, other than a restricted withdrawal course prior to the close of business on the day of regularly scheduled classes for summer school.
- F. *Procedure.* A form to withdraw from a course is available from the Registrar's Office. A student who wishes to drop a course, other than a restricted withdrawal course, must complete and submit this form to the Registrar's Office prior to the close of business on the last day of regularly scheduled classes for the semester. A student who wishes to drop a restricted withdrawal course must complete and submit this form to the Registrar's Office prior to the second class of the semester.

VII. OUTSIDE EMPLOYMENT

- A. *Statement of Policy.* The School of Law has the responsibility to monitor the amount of a student's outside employment to assure itself that a proper balance exists between the amount of outside employment and the amount of academic obligation that a student has

undertaken. In addition to the specific limit contained in part B. *Employment* below, the School of Law considers that 3 hours of preparation time per week is necessary for each academic credit taken. To make sure students have adequate time for class preparation, full-time students are advised not to exceed 10 hours of outside employment a week and part-time students should adjust their outside employment and course loads accordingly.

- B. *Employment*. In accordance with ABA Standard 304(f)(2012), "A student may not be employed more than 20 hours per week in any week in which the student is enrolled in more than twelve class hours."

VIII. AUTHORIZED VARIATIONS

Except for Section VII, *Outside Employment*, the Dean or the Dean's delegate is authorized to grant variances from the Rules of this Part in cases of substantial hardship or exceptional merit. All variances shall be within American Bar Association Standard 305. An informational report of variances granted shall be made periodically by the Dean or the Dean's delegate to the Academic Standards and Student Petitions Committee.

Requests for variances from Section VII shall initially be addressed to the Academic Standards and Student Petitions Committee for a recommendation which shall be forwarded to the faculty for a final determination. The faculty is authorized to grant variances from Section VII in cases of substantial hardship which is not foreseeable at the time of enrollment or in cases of exceptional merit. All variances shall be within American Bar Association Standard 305.

PART B. ACADEMIC AND RESIDENCE CREDIT; LENGTH OF STAY LIMITATIONS; HONORS

I. DEFINITIONS

- A. An academic year consists of two consecutive semesters beginning with the fall semester. A "semester" is the fall semester or the spring semester. The summer session is not a semester.
- B. A "completed credit hour" is one which is passed with the grade of "D" or higher.

II. RESIDENCE CREDITS REQUIRED FOR GRADUATION

A student must earn at least six residence credits over the course of at least six semesters in order to graduate. However, a student who has earned residence credits solely as a part-time student must earn residence credits in at least eight semesters in order to graduate. Most part-time students wishing to complete the program in 4 years must also attend summer school twice.

- A. *Full-Time Students.* To be considered a full-time student for the purpose of residence credit, a student must receive a passing grade in at least 12 academic credit hours during a semester. One residence credit is given for such a semester.
- B. *Part-Time Students.* Students who receive a passing grade in fewer than 12 academic credit hours in a semester are considered part-time students during that semester for the purpose of residence credit. If a student completes 9 to 11 academic credit hours, 3/4 of a residence credit is given for the semester. Upon completion of 8 academic credit hours, 2/3 of a residence credit is given for the semester. Should a student fail to complete 8 semester hours, fractional residence credit shall be given in the ratio that the number of completed hours bears to 12 hours.
- C. *Summer School.* The maximum residence credit which can be earned in one summer session is 5/12 of one credit which will be granted upon completion of 5 or more academic credit hours. Lesser course loads will receive proportional credit upon completion.

III. FIRST YEAR STUDENTS

Because the first-year curriculum is prescribed, it is necessary for an entering student to select either part-time or full-time status for the entire academic year. If entering in a full-time status, the student shall be enrolled for the whole first year in a section pursuing the full-time first-year curriculum. A student entering in a part-time status will be enrolled for the whole first academic year in a section pursuing the part-time first-year curriculum.

IV. YEARS ALLOWED FOR COMPLETION OF DEGREE REQUIREMENTS

A student who has taken at least 12 academic credit hours for 2 or more of the semesters in which the student is enrolled in the Law School must complete the degree requirements within 4 years after matriculation. A student who has taken less than 12 academic credit hours for each semester in which the student is enrolled in the Law School must complete the degree requirements within 5 years after matriculation. All other students must complete the degree requirements within 4 1/2 years after matriculation.

V. ACADEMIC REQUIREMENTS FOR GRADUATION

- A. A student must earn 88 academic credits, no fewer than 65 of which must be earned in courses that meet in regularly scheduled class sessions at the Law School, and also satisfactorily complete all required courses and all other requirements, including upper level writing, pro bono, and

professional skills requirements, in order to graduate. In addition, a student must abide by all restrictions on enrollment as described in Subsection B unless waived as described in Subsection D.

B. The law school imposes a variety of limitations on enrollment in specific courses or combinations of courses. These are described below:

1. A student must successfully complete 32 hours of law studies before enrollment in a clinic or externship.
2. A student may not simultaneously enroll in more than one clinic, more than one externship, or a clinic and an externship.
3. A student may not take more than three externships for a maximum of nine academic credits (not including the one-credit externship seminar). If a student takes more than one externship, the externships must be substantially different from each other.
4. A student who has successfully completed 43 credit hours of law studies may take an independent study course with the approval of the Associate Dean for Academic Affairs. Independent study courses include Tutorial Study, Advanced Research, and any other course listed as an independent study course.
5. A student may not take more than a total of three independent study courses. A student may not simultaneously enroll in more than two independent study courses. A student may not take more than one independent study course under the sole guidance of any one faculty member.

C. In addition to the limitations described in the prior section, individual instructors, in consultation with the Associate Dean for Academic Affairs, can impose additional restrictions as a condition for enrollment.

D. The requirements in Subsection A may not be waived by the Dean or the Dean's delegate. However, the Dean or the Dean's delegate is authorized to grant variances from the limitations described in Subsection B as provided in Part B, Section VII.

E. Upper-level courses are designated as offering a number of "units" of writing from zero to a maximum of three per course. To satisfy the upper-level writing requirement, students are required to take five units of writing from across the curriculum, at least two of which must come from one course.

F. Upper-level courses are designated as offering a number of "units" of skills, from zero to a maximum of three per course. To satisfy the upper-

level skills requirement, students are required to take five units of skills from across the curriculum, at least two of which must come from one course. A student may only count the units of skills from one externship toward this requirement.

VI. HONORS

Degrees with honors are awarded at graduation for superior scholastic attainment. Students will be recommended for honors if they have completed a minimum of 58 credit hours at Western New England University School of Law. Academic honors will be granted upon graduation to those students whose cumulative grade point average is within the highest 15% of the graduating class, provided that no honors will be granted to any student whose cumulative grade point average is below "B".

- A. *Summa Cum Laude.* Any student who would otherwise receive magna cum laude honors upon graduation may be graduated summa cum laude, if, in the opinion of the Academic Standards and Student Petitions Committee, the student has achieved unusually outstanding academic excellence as indicated by the student's cumulative grade point average.
- B. *Magna Cum Laude.* Any student, other than a summa cum laude graduate, whose cumulative grade point average is included within the highest 3% of the cumulative grade point averages in any graduating class will receive magna cum laude honors upon graduation.
- C. *Cum Laude.* Any student, other than summa cum laude and magna cum laude graduates, who is entitled to graduate with honors, will receive cum laude honors upon graduation.
- D. *Dean's List.* The Dean's List consists of the top 15% of each class grouped by expected graduation date based on the semester average. Dean's List will be awarded at the end of every semester. Non-degree students are not eligible for Dean's List.

VII. AUTHORIZED VARIATIONS

Except for Part B, Sections IV, V and VI, the Dean or the Dean's delegate is authorized to grant variances from the Rule of this Part in cases of substantial hardship or exceptional merit. Request for variances from Part B, Section IV shall be reviewed and acted upon by the Academic Standards and Student Petitions Committee, which is authorized to grant variances from Section IV for good cause. The Committee is not authorized to grant variances from Section V and VI. All variances shall be within American Bar Association Standard 304. An information report of variances granted by the Dean or the Dean's delegate is

to be made periodically by them to the Academic Standards and Student Petitions Committee.

PART C. ACADEMIC WARNING AND DISMISSAL; REINSTATEMENT

I. ACADEMIC WARNING AND DISMISSAL OF STUDENTS

A. *Reporting of Grades.* Grades are reported by number and averages are calculated by number. A cumulative average is calculated for a student at the end of the second semester in the Law School, and at the end of each successive semester.

B. *Academic Warning.*

1. *Imposition.* At the end of every semester, the Registrar will review the transcripts of all first-year full-time students and first- and second-year part-time students. A student will be placed on academic warning if either of the following conditions exist: (a) the student's cumulative final grade point average for all of the following courses taken as of that date is at or below 2.67: Constitutional Law, Contracts, Criminal Law, Civil Procedure, Property, and Torts, or (b) the student has one or more final grades below a "C+" in Constitutional Law, Contracts, Criminal Law, Civil Procedure, Property, or Torts. The "academic warning" status is internal only and is not noted on students' transcripts.

2. *Requirements of Students on Academic Warning.* Each student on academic warning is required to (a) enroll in and complete the academic success program, (b) take a school-provided bar preparation course during the final year of her or his law studies, (c) have her or his course selections for all subsequent semesters approved by the Associate Dean for Academic Affairs or her or his delegate to ensure that the chosen curriculum provides an academically rigorous education and improves the likelihood of academic and bar success, (d) meet regularly with the Academic Success Director or her delegate to strategize for success and (e) not serve as an officer in any student organization without prior approval of the Associate Dean for Academic Affairs or her delegate.

3. *Penalty for noncompliance.* Failure to comply with the conditions identified in Part C. I (B)(2), above, as determined by the Director for Academic Success at any time, will lead to academic dismissal for poor scholarship: the Director for Academic Success will report non-compliance to the Associate Dean for Academic Affairs, who, in consultation with the Dean

and the Dean of Students, will determine whether dismissal is appropriate; upon such determination, the Associate Dean for Academic Affairs will direct the Registrar to academically withdraw the student from the School of Law. The student may petition the ASSP Committee for Reinstatement as noted in Part C. II below.

4. *Petitioning for the Removal of Academic Warning Status.* Academic warning status will remain in effect throughout a student's enrollment at the School of Law. A student on academic warning can petition the Director of Academic Success for the removal of that status no earlier than one semester after the status has been imposed. The Director may consider any relevant information in evaluating the petition. If the Director concludes that, in an exceptional circumstance, the academic warning status is no longer necessary for the student, the Director shall make that recommendation to the Associate Dean for Academic Affairs, who, in consultation with the Dean and the Dean of Students, may decide to remove the student from academic warning. This decision is non-reviewable.

- C. *Dismissal for Poor Scholarship.* A student will be dismissed for poor scholarship if the student's cumulative grade point average at the end of the spring semester of any academic year is less than 2.33. A student is not eligible to graduate if the student's cumulative average on all work completed is less than 2.33.

II. PROCEDURE RELATING TO PETITION FOR REINSTATEMENT AFTER ACADEMIC FAILURE

- A. *Notice of Failure.* At the close of each spring semester, the Law School Registrar shall be notified of those students whose grade point averages are below the standards set forth in Part C, Section I. The Law School Registrar shall also be notified of those students who have not complied with the requirements for students on academic warning as set forth in Part C, Section I. The Law School Registrar shall send the list of students to be dismissed to the Associate Dean for Academic Affairs, who shall then send a written notice of dismissal to each such student. The notice shall be accompanied by a statement of the Academic Standards relating to dismissal and reinstatement, and an outline of the procedure for filing a petition for reinstatement.
- B. *Petition Procedure.* The procedure for filing a petition for reinstatement is as follows:
 1. *Time for Petition.* A petitioning student must file a petition for reinstatement within 15 days after the date of mailing of the notice

of dismissal. The petition shall be filed with the Associate Dean for Academic Affairs.

2. *Form and Style of Petition.* A petition for reinstatement shall be typewritten and submitted in quadruplicate. It shall be headed "Petition for an Exception to the Rules for Academic Dismissal."
3. *Filing Fee.* A petitioning student shall submit to the Law School with the petition a \$25.00 filing fee.

C. *Reference to Academic Standards and Student Petitions Committee.* The Associate Dean for Academic Affairs shall refer any petition filed under Part C, Section II.B to the Academic Standards and Student Petitions Committee for review.

III. GUIDELINES FOR REVIEW BY ACADEMIC STANDARDS AND STUDENT PETITIONS COMMITTEE

- A. *General.* The Academic Standards and Student Petitions Committee sitting without student members, unless the petitioning student elects otherwise, shall review any petition for reinstatement filed under Part C, Section II.B. In reaching its determination, it shall be guided by the considerations stated in subsections (B) and (C) below.
- B. *Specifications of Reason for Academic Failure.* The petitioning student must allege and prove that student possesses the requisite ability and that the prior disqualification does not indicate a lack of capacity to complete studies at the Law School. The petitioning student must also state any extraordinary circumstances beyond the student's control, which rebut the presumption raised by the student's record, and which establish that the deficiency was not due to lack of ability or failure to apply himself or herself diligently to the study of law. If the circumstances are related to physical or psychological incapacity in the course of a semester or before or during an examination, convincing medical proof must accompany the petition.
- C. *Scope of Relief.* The Academic Standards and Student Petitions Committee is authorized to:
 1. deny the petition; or
 2. grant the petition, upon terms and conditions stated by the Committee.

D. *Guidelines for Readmitted Student.*

1. In the case of students who are dismissed for academic insufficiency and are then reinstated to retake the entire first year by the Academic Standards and Student Petitions Committee, the grades received by the student in the year(s) prior to readmission being repeated shall not be computed in determining class rank or grade point average, but such grades shall be retained upon the student's transcript. However, for purposes of advancement from year to year and graduation, the Law School shall, for internal use, average together all grades in order to establish a combined average which shall then be used in each subsequent averaging. In the case of such student, the following notation shall appear on the transcript: "By faculty action this student was readmitted to the first year for good cause after being dismissed for academic deficiencies. For purposes of computing the student's academic average and class rank on this transcript, only the grades received after readmission are included."
2. In all other cases of readmission the Academic Standards and Student Petitions Committee shall determine on an individual basis the terms and conditions for readmission including, but not limited to, the disposition of grades earned prior to readmission. Such students shall have the option of accepting readmission as granted or of being readmitted to the first year in accordance with subsection (D)(l).

E. *Faculty Review of Decisions by Academic Standards and Student Petitions Committee.* The Academic Standards and Student Petitions Committee shall notify the petitioning student in writing of its decision and of the availability of full faculty review of an adverse decision. The faculty, sitting without student members, unless the petitioning student elects otherwise, shall review the Committee's decision at the request of (l) any full-time faculty member in the case of petitions for reinstatement under Part C, sections II or IV, and (2) three full-time faculty members in the case of all other student petitions. The petitioning student may appear before the faculty meeting only if the faculty so requests. The faculty shall affirm the decision of the Academic Standards and Student Petitions Committee unless, upon review of the available information, the faculty is convinced that the decision is clearly erroneous.

IV. EFFECT OF ACADEMIC DISMISSAL

A. *Attendance and Refund.* If a student receives notice of dismissal for poor scholarship while the student is in attendance at the Law School during the next succeeding academic session, the student is eligible to

take any final examination or submit any papers or projects for grades for that academic session. However, the student may instead elect to withdraw, in which event the Law School will recommend to the Vice President for Finance of Western New England University that an appropriate refund of tuition be made to any student who is dismissed for poor scholarship during the next succeeding academic session.

- B. *Eligibility to Petition for Reconsideration.* Any former student dismissed for poor scholarship who is not reinstated immediately following dismissal may petition the Associate Dean for Academic Affairs according to the rules outlined in Part C, Sections II and III subject to the following limitations:
1. the petition must be filed not later than 90 days prior to the date upon which the former student wishes to return as a student;
 2. the petition must request reentry at a date when at least two years have elapsed after dismissal;
 3. the petition must allege and substantiate that the nature of the former student's work, activity, or studies during the interim indicate a stronger potential for law study than that which existed upon dismissal;
 4. this provision applies both to students who filed a petition for reinstatement at the time of dismissal, and also to those students dismissed for poor scholarship who did not file such petition immediately after dismissal; and
 5. the petition shall be reviewed and acted upon by the Academic Standards and Student Petitions Committee.

PART D. VISITING STATUS

- A. *Permission to Visit.* A law student may attend another law school approved by the American Bar Association and the American Association of Law Schools while remaining a candidate for a degree at the Law School, subject to the prior approval of the Associate Dean for Academic Affairs.
- B. *Grounds for Approval of Request to Visit During Summer School.* The Associate Dean for Academic Affairs may approve the petition of a student requesting visiting student privileges if the student's requested course load is no heavier than that offered by the Law School in its summer session and the courses offered by the law school to be visited are similar to those offered by the Law School.

- C. *Grounds for Approval of Request to Visit During Academic Year.* The Associate Dean for Academic Affairs may approve the petition of a student requesting visiting student privileges if the visit would serve the best interests of both the student and the school and if either:
1. the petitioner has a special interest in taking a concentration of courses in a defined subject matter, and the Law School will not be able to offer that concentration of courses during the petitioner's period of attendance at the Law School, and the petitioner's cumulative grade point average in the Law School is 2.33 or higher; or
 2. the petitioner shows that hardship will result if visiting status is not granted.
- D. *Transfer of Credits.* The Law School will accept the transfer of credit received from another law school during an approved visitation as follows:
1. The Law School will transfer credit only for courses in which the grade received is equal to or higher than the grade point average required for graduation at the law school visited.
 2. All grades for which credit is transferred will be reported as "Pass" for purposes of computing academic averages of students at the Law School. The student's transcript will also include the course name and grade for all courses taken during the visit, including any reported course for which transfer credit is not received. Courses for which transfer credit is not received will be accompanied by the notation "No Credit."
 3. No more than 32 academic credits will be accepted for transfer for any student during the student's career at the Law School.
- E. *Advanced Standing.* In the case of admittance with advanced standing, the Associate Dean for Academic Affairs will determine the residence and academic credit to be awarded towards the Law School's degree.
- F. *Miscellaneous Provisions.*
1. *Course Load During Visitation.* A student may not take a course load in another law school during visitation which exceeds the maximum authorized by the Law School's Academic Standards.
 2. *Unapproved Visitation.* The Law School does not accept the transfer of credit taken as a visiting student at another law school

unless the program of studies was approved in accordance with the provision of this Part D, *Visiting Status*.

PART E. EXAMINATION AND GRADING

I. THE GRADING SYSTEM

- A. General. The School of Law records letter grades in courses, except where the nature of the course makes a letter grade impractical. The School of Law grade structure for all course work is as follows:

A	4.00	B	3.00	C	2.00	D	1.00	P	Pass
A-	3.67	B-	2.67	C-	1.67	F	0.00	W	Withdraw
B+	3.33	C+	2.33	D+	1.33			AU	Audit only

The cumulative grade point average of any student is determined by multiplying each grade given for every graded course, and courses in which the student received a grade of "F", by the total number of semester hours assigned to that course, then dividing the product by the number of graded credits attempted. Grade point averages are calculated to the second or hundredths decimal place and are not rounded upward or downward. Academic credit is granted for a final grade of "D" or higher. If a student receives a failing final grade in a course, the grade is included in calculation of grade point average, but the failed course is not included in calculating either the total credits completed for graduation or residence credit.

- B. Pass-Fail Courses. In certain courses, a grade of "P" (Pass) is assigned if the student satisfactorily completes the course. A grade of "P" in a pass-fail course does not have a grade point value, but is intended to reflect work equivalent to the letter grades of "A" through "C". A grade of "F" in a pass-fail course is intended to reflect work equivalent to the letter grades of "C-" through "F". A grade of "F" (Fail) in a pass-fail course is treated as if it were a letter grade of "F".
- C. Unsatisfactory Grades. Grades of C, C-, D+, and D are considered Unsatisfactory. A grade of F is considered Failure and no credit is awarded. A student with a grade point average of less than 2.33 at the end of the spring semester of any academic year, is subject to dismissal.
- D. Required Courses in Which a Failing Grade is Received. Any required course in which a failing grade has been received must be repeated in the next academic period in which the course is offered unless the Associate Dean for Academic Affairs approves an alternative schedule. In the case of a failing final grade being received in a course which is a prerequisite to an advanced course, the prerequisite course must be satisfied before the

advance course may be taken. If a student is required to repeat a course because of a failing final grade, the original grade is included in the calculation of “completed” work for purposes of grade average calculation, even though the failed course is not used in calculating the total credits required for graduation.

II. THE EXAMINATION PROCESS

A. *Materials Permitted at the Examination.* Each instructor shall state those materials which are to be permitted in the examination in the instructor's course. It is the policy of the Law School that an item or material is not to be authorized unless its content is necessary to a proper analysis and solution of one or more problems on the examination, such as a statute on which the problem is based.

B. Take-Home Examination: Requirements

1. An instructor may give a take-home examination under such conditions as he or she deems appropriate in consultation with the Associate Dean for Academic Affairs.
2. The anonymous grading system shall apply to take-home examinations.
3. If an instructor decides to use a take-home examination, notice should be given to the Associate Dean for Academic Affairs as soon as possible.

C. *Rules for Examinations.* The Dean or the Dean's delegate shall be responsible for establishing rules to govern the examination process. Those rules shall include, but not be limited to, the following:

1. Not more than one student at a time may leave the room: Students must sign out on the pad on the proctor's desk and cross off their names upon returning. Students are not allowed to take examinations from the room.
2. No conversation is allowed during the examination. If a student has a question, the student shall write the question on scrap paper and give the question to the proctor.
3. No smoking or drinking alcohol is allowed in the classroom.
4. When, at the end of the examination, the proctor announces that the time is up, all students shall stop writing immediately. It is a violation of the Honor Code to continue writing after the examination is over.

5. When finished, students shall turn in their examination questions and scrap paper together. All students must cross their names off the roster, and leave the room quietly.
6. Students who type their examinations shall return them to the proctor from whom they secured the examinations.
7. Late arrivals do not get extra time. Proctors shall ask them if they are willing to take the reduced time. If they are unwilling, these students shall report to the Registrar's Office.

D. *Submission of Papers in Lieu of Final Examinations: Restrictions and Requirements.*

1. Standard 303(b) of the American Bar Association states that scholastic achievement of students must be evaluated. Interpretation 303-2 addresses the issue of evaluation by examination:

The evaluation of scholastic achievement shall include a written examination of suitable length and complexity in every course for which credit is given, except:

(1) Clinical and simulation courses; and

(2) Courses involving extensive written work, such as moot court, legal writing and drafting, seminars, and individual research projects. (August 1996).

2. The examination specified in D.1, above, should be by either written examination or term paper. The examination should not be an oral examination, nor should it be a progress report graded by fellow students. The intent is to have a meaningful faculty assessment of the student's work product.

E. *Departure from Examination Schedules.* No instructor has the authority to grant to a student a departure from the examination schedule. Any student who desires a departure from the examination schedule shall not make such a request to the instructor but shall instead make the request to the Associate Dean for Academic Affairs at the time or times designated:

1. A student shall be granted a departure from the examination schedule for a conflict. In that event, the make up examinations must be taken in the next regularly scheduled examination period that does not constitute a conflict. Conflict forms are available in

the Registrar's Office and must be submitted prior to the examination period. A conflict in the examination schedule is defined as:

- a. two examinations simultaneously;
- b. two examinations in successive examination periods (including night-morning but excluding Saturday-Monday);
- c. two examinations on the same day;
- d. three examinations on three successive calendar days for part-time students employed full-time who certify that they cannot obtain time off during the examination period.
- e. four examinations on four consecutive calendar days, unless the student has a reading period of four consecutive calendar days (or five non-consecutive calendar days) between his or her last day of classes and the first of his or her four consecutive exams;
- f. four examinations on four consecutive calendar days in any semester in which the exam schedule was not published by the end of the fifth day of classes.

2. A student may be granted a departure from the examination schedule for an emergency at any time by the Associate Dean for Academic Affairs.

F. *Reporting Grades.* Unless otherwise announced by the Dean, the following procedure applies:

1. For the fall semester, Instructors shall report all final examination grades to the Registrar not later than the day before the Registrar's Office opens after the Winter Recess. For all semesters other than fall semester, Instructors shall report all course grades to the Registrar not later than 14 days after the date of the last final examination.
2. In the case of graduating seniors, graduating seniors shall not mark "Graduating Senior" on their examination books. Such books shall be graded and reported at the time specified by the Director of Registrar's. The Director of Registrar's shall effect such procedures necessary to permit grading to be finished on time.
3. The Dean shall review all course grades submitted. After review, course grades shall be posted by the Director of Registrar's by course and examination number.

4. Course grades shall be recorded as part of each student's academic record by the Director of Registrar's at the same time course grades are released.

G. *Examination in First Year Courses.*

1. *First-Year Practice Examinations.* First-year practice examinations may be scheduled during the first semester in each first year course. Practice examinations should be similar in content to actual examinations. Practice examinations are preliminary introductions to the Law School examination process.
2. *First-Year Examinations.* Proctored examinations shall be given in both semesters of all year-long, first-year required courses. First semester grades on such proctored examinations shall be counted as 20% of the final grade in the course, and second semester grades on such proctored examinations shall be counted as at least 60% of the grade. This rule does not apply to year-long courses in the second year of the part-time program.

H. *Illness Before Examination.* If a student becomes ill before commencing an examination, the student must attempt to notify the Dean or the Associate Dean for Academic Affairs prior to the commencement of the examination to obtain permission to reschedule the examination. When the Dean and Associate Dean for Academic Affairs are unavailable, the ill student shall have the right to decide not to take the examination, but must notify the Dean or the Associate Dean for Academic Affairs of the illness as soon as possible following the examination. If a student leaves an examination for illness or for any other reason, the examination will be graded.

III. INTEGRATION OF NON-ANONYMOUS GRADES WITH ANONYMOUS GRADES

- A. *Integration of Projects with Anonymous Examination Grades.* If an instructor uses projects or other like programs as part of the course grade, the instructor shall submit a list of students by name, showing their project or program grades at the same time as submission of anonymous examination grades by examination number. The instructor shall also state the percent of course grade attributable to the project or program. The Director of Registrar's shall integrate the grades according to the instructor's formula.
- B. *Integration of Points for Classroom Participation with Anonymous Examination Grades.* An instructor may choose to recognize superior

classroom performance by individual students by adding a one-third (1/3) letter grade increase to the student's course grade. The following procedures apply to granting points for classroom participation:

1. No instructor may award an increase for classroom participation unless the instructor has announced the intention to do so in a regular meeting of the class within the first three weeks that the class meets.
2. To make an addition to the grades of individual students, the instructor shall submit a list of the names of those students whose course grades are to be benefited by the practice at the same time that the instructor submits the list of final examination grades by student examination number.
3. The Registrar's Office shall integrate the classroom participation letter grade increase with examination grades and project scores, if any.

IV. ANONYMOUS GRADING POLICY

- A. *Preference for Anonymous Grading.* The Law School uses an anonymous grading system for the determination of a student's grade on examinations and for the course with the following exceptions:
 1. *Clinical Work, Moot Court, Practice Court, Legal Research and Writing, Seminars, Simulation Courses and Individual Research Projects.* Although it is impractical in these instances to employ an anonymous grading system, objective grading should be adhered to by the faculty.
 2. *Individual Projects or Interim Examinations.* Individual projects or interim examinations may be used by instructors to be evaluated toward the course grade.
- B. *File of Examinations.* The Law School shall keep an official file of all examinations administered to students. At least two copies of each examination that counts toward the final grade shall be given to the Registrar's Office by each instructor.
- C. *Preservation of Blue Books.* Each instructor shall deliver to the Registrar's Office all examination books to be kept on file for one year after the examination has been graded.

V. FACULTY REQUESTS FOR CHANGE OF COURSE GRADE

The Dean must receive all requests by faculty for grade changes. The Dean may approve all such changes which are required solely to correct arithmetic error. The Dean shall submit all other requests by the faculty to the Academic Standards and Student Petitions Committee where there shall be a presumption against approving that recommendation. The faculty member shall bear the burden of overcoming that presumption.

PART F. ATTENDANCE

I. General

- a. **Standard.** It is the policy of the Law School that regular and punctual class attendance is mandatory, as required by the American Bar Association. This policy reflects the belief that dependability is an essential characteristic of a good lawyer. The objectives of the policy are to ensure academic success, of which attendance is a major component, and to develop good professional standards.
- b. **Implementation.**
 - i. Faculty members will monitor attendance in their classes, choosing an adequate methodology. Any student who is tardy, or who leaves class early, may, in the discretion of the faculty member, be marked absent.
 - ii. Any student who fails to attend at least 80% of the regularly scheduled class meetings, without excuse acceptable to the faculty member, has not met this Standard. All students are responsible for knowing and complying with this Standard and its implementation.
 - iii. Any faculty member may adopt a more stringent attendance standard than that in subsection ii above by communicating it to the class in writing before the end of the first class meeting. A student who fails to comply with such policy has not met this Standard.
 - iv. A faculty member must send a student a written warning when the student is at least one absence away from triggering the faculty member's request for administrative withdrawal.
 - v. Whenever a student fails to meet this Standard, a faculty member shall notify the Associate Dean and may request

that the student be administratively withdrawn from the course.

- vi. Upon receiving a request from a faculty member that a student be administratively withdrawn from a course, the Associate Dean shall do so unless the Associate Dean determines, after consultation with the faculty member, there is good cause not to withdraw the student.

II. AUDITING OF COURSES

A. *Statement of Policy.* An auditing student is not obligated to prepare for class on a day-to-day basis, but in turn is not authorized to take up classroom time. The student is expected to acquire the materials for the course, and shall be held to the same attendance regulations as all other students.

If the conditions of permission to audit, including regular attendance, are satisfied, the course is entered on the student's academic record and the word Audit is entered where academic credit and grade would normally be entered.

B. *Auditing Fees.* Students granted permission to audit a course must pay the regular tuition and fees which apply to the course if such students are not candidates for a Law School degree. Degree candidates may audit a course, and the credits will not be counted in the normal full-time academic course load.

PART G. ASSOCIATE DEAN FOR ACADEMIC AFFAIRS

I. GENERAL

The Associate Dean for Academic Affairs is appointed by the Dean for an indefinite term. The Associate Dean for Academic Affairs responsibilities include, without limitation, the following duties:

- A. to develop and manage the curriculum;
- B. to administer academic standards as applied to individual students, including requests for exception to the Academic Standards; and
- C. to develop and manage an effective system of academic and career counseling.

II. RELATIONSHIP BETWEEN ASSOCIATE DEAN FOR ACADEMIC AFFAIRS AND ACADEMIC STANDARDS AND STUDENT PETITIONS COMMITTEE

- A. *Petitions for Exceptions to Rules.* All petitions filed for exceptions to the Academic Standards must be filed with the Associate Dean for Academic Affairs.

- B. *Reference to Academic Standards and Student Petitions Committee.*
 - 1. The Associate Dean for Academic Affairs shall refer to the Academic Standards and Student Petitions Committee any petition for:
 - a. readmission; or
 - b. reinstatement after suspension or dismissal from class for poor attendance.
 - 2. The Associate Dean for Academic Affairs shall refer any other petition for exception to the Academic Standards to the Academic Standards and Student Petitions Committee.

- C. Any student who is dissatisfied with the application of these Academic Standards may pursue the matter with the Associate Dean for Academic Affairs. Thereafter, if the student is still dissatisfied, the student may pursue the matter further by petition to the Academic Standards and Student Petitions Committee.

PART H. MISCELLANEOUS

I. UNIVERSITY REGULATIONS AND PROCEDURES

The following regulations apply to all physical facilities at Western New England University, including the Law School:

- a. Unless otherwise clearly marked, smoking (including electronic cigarettes) is prohibited;
- b. Beverages and food in the classroom are prohibited;
- c. All persons shall avoid creating noise in hallways and areas designated for study;
- d. No one may enter buildings without footwear;
- e. All persons must maintain a standard of cleanliness on the premises. This includes proper disposal of food and beverage containers inside and outside buildings;

- f. No animals are permitted in buildings, except as necessary to aid disabled persons;
- g. The use of all facilities and appropriate services for conferences, meeting rooms, dinners, and special functions shall be scheduled through the office of the Associate Dean for Law Student Affairs;
- h. The use of audio-visual equipment shall be scheduled through the Director of Audio-Visual Services whose office is in Sleith Hall; and
- i. *Withdrawals and Refunds.* The University operates on an academic term basis by which commitments are made in advance to teaching staff and to others whose services are essential to the operation of the University.

Refunds are made to students based on the following schedule:

100 percent refund of the tuition charge, less the tuition deposit, when notice of withdrawal is received prior to the first day of classes;

75 percent will be refunded when notice of withdrawal is received during the first week of classes;

66 $\frac{2}{3}$ percent will be refunded when notice of withdrawal is received during the second week of classes;

33 $\frac{1}{3}$ percent will be refunded when notice of withdrawal is received during the third week of classes;

25 percent will be refunded when notice of withdrawal is received during the fourth week of classes;

No refund will be granted after the fourth week of classes.

Students who withdraw from a class or from the University must notify the Registrar's Office in writing at the time of withdrawal. Approved refunds will be computed on the basis of the date appearing on the official withdrawal form. Absence from class does not constitute withdrawal from a course.

No refunds will be made on fees other than tuition.

Students who use the deferred tuition payment plan are obligated to pay in accordance with the above schedule. If, at the end of a semester, a student has not paid the accrued charges for that semester, the student will be designated "not in good standing" until the charges are paid.

Students who withdraw with an unpaid balance will be financially liable for any amount remaining unpaid after a refund credit has been applied to the balance.

No student may withdraw in good standing from the University unless all financial obligations have been met.

II. LAW SCHOOL REGULATIONS AND PROCEDURES

A. *Classroom Use.* Use of Law School classrooms is subject to administrative regulations. Normally, upon completion of the night classes, the classrooms shall not be available for use.

B. *Use of Recording Devices in Class.* No person shall use a recording device in any instructional situation in the Law School without the prior consent of the instructor. Exceptions to this regulation may be granted as a learning disability accommodation. Please consult the Associate Dean for Law Student Affairs for further information.

C. *Registrar's: Files and Information.*

1. *Student Information.* Each student is requested to complete a form at registration that provides the Law School with the student's local address, telephone number, emergency contact, and information concerning the student's employment while the student is enrolled. Maintenance of the accuracy of the form is the responsibility of each student.

2. *Access to File.* Under the Family Education Rights and Privacy Act of 1974 (the Act), a student may inspect and review any and all official records, files, and data directly related to the student in the student's status as a student. The student is also offered an opportunity for a hearing to challenge the content of the records to insure that the records are not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student.

a. The opportunity to inspect and review records under the Act shall be afforded only in the presence of and under the supervision of a member of the staff of the Law School.

b. A student who desires to exercise the opportunity to inspect and review must file a written request to do so.

c. Subsequent to the receipt of the request, but within the 45 day period specified in the Act, the Law School will designate a time

and place for the inspection and review of the records and the member of the staff who will be present.

- d. The Law School will give notice of this information to the student on the basis of the address or telephone information provided on the request form.
 - e. If, after the inspection and review, the student desires an opportunity for a hearing to challenge the contents of the records, the student must file a request for a hearing on a form that has been created for this purpose.
3. *Confidentiality of Registrar's.* The Privacy Act assures students the right to inspect and review all Law School records, files and data directly related to them with the exception of medical and psychiatric records, confidential recommendations submitted before January 1, 1974, records to which they have waived the right to access, and financial records of their parents or guardians.

The Privacy Act also prohibits the distribution of grades to parents or guardians without a student's prior written consent, or a statement of dependency from a parent or guardian when the student is a dependent as defined under the Internal Revenue Code.

However, the Law School may make public at its discretion, without prior approval, the following information: class year, home address, telephone number, University address and telephone number, major field, date and place of birth, dates of attendance at the Law School, degree honors, awards received, and previous educational institutions most recently attended. A student may limit the release of the discretionary information by filing a special form with the Vice President for Academic Affairs of the University each year.

- D. *Faculty Evaluations.* Students shall be afforded the opportunity to evaluate each faculty member in each course in an effort to identify effective and ineffective teachers and to develop quality in the program of the Law School by providing constructive criticism.
- E. *Description of Faculty Committees.* The Dean shall provide to the Student Bar Association a description of the charge and jurisdiction of each faculty committee for which students are eligible for membership. A student may file with the Student Bar Association a request for appointment to one or more faculty committees, stating the student's preference. The Student Bar Association shall announce a deadline for the receipt of student requests for faculty committee appointments. The Student Bar Association shall then certify the names of students to

serve on each faculty committee to the Dean. The Dean shall then announce the names of the faculty and the student members on each faculty committee.

- F. *Registration with State Bar.* Some states require that a student, shortly after beginning the study of law, register with the Board of Bar Examiners in the state in which the student plans to practice. It is the student's responsibility to ascertain the rules of the state(s) in which he or she may wish to practice.

III. INTERPRETATION

The headings used in these Academic Standards are for convenience only and are not to be considered a part of these standards. The information in this publication is not to be regarded as creating a binding contract between the student and the Law School. Western New England University reserves the right to change any of the requirements and regulations of the Law School at any time without prior notice. This includes, but is not limited to, the right to modify requirements or admission or graduation; to change the arrangement or content of the courses, the instructional materials used, and tuition and other fees; to alter any regulation affecting the student body; to refuse admission or readmission of any student at any time; or to dismiss any student at any time should it be in the interest of the Law School or the student to do so.

PROCEDURAL RULES FOR THE ACADEMIC STANDARDS AND STUDENT PETITIONS COMMITTEE

I. PETITIONS TO THE COMMITTEE

A. Meetings with the Committee.

1. *Initial Readmission Petitions.* An individual who petitions the Committee for readmission to the Law School shall have the right to a meeting with the Committee with respect to the initial petition. Only the student and the Committee may be present at such a meeting.
2. *Other Petitions.* The Committee may grant, in the Committee's discretion, personal meetings for all other petitions.

- B. *Student Members.* The petitioner may elect to include or exclude student members of the Committee from consideration and/or decision of the petition. Such an election is to be made in writing. If no election is made, student members will not participate in consideration or decision of the petition.

- C. *Record of Meetings.* All personal meetings before the Committee shall be recorded on tape and retained by the Committee.
- D. *Additional Information to the Committee.* The Committee may request such additional information it deems necessary or helpful in order to act on a petition. The petitioners shall present all relevant material and information in their written petitions.

II. PETITIONS FOR RECONSIDERATION

- A. *New or Additional Information.* The Committee shall review a petition for reconsideration of a prior petition only to determine if the reconsideration petition contains new or additional information which was not available or which could not reasonably have been available at the time of the original petition. If the Committee determines that the reconsideration petition contains such new information, then the Committee will reconsider its prior determination in light of this new or additional information. If the Committee determines that such reconsideration petition does not contain such new or additional information, the reconsideration will be denied.
- B. *Action By Committee.* The Committee may, in the Committee's discretion, meet with the petitioner during the reconsideration process; however, the petitioner shall not be entitled to such a meeting as a matter of right.

III. MISCELLANEOUS RULES

- A. *Communications with the Committee.* Students or persons acting on the behalf of any student should communicate only with the Chair of the Committee with respect to any petition.
- B. *Notice of Decision.* All notices of decision shall be issued by the Chair of the Committee. The decisions of the Committee shall be communicated in writing to the petitioner. The notice of the decision shall be sent to the mailing address of the petitioner as listed on the petition. The petitioner may request that the written notice be held for him/her in the Registrar's Office of the Law School.

APPENDIX

PETITION FORM

WESTERN NEW ENGLAND UNIVERSITY School of Law

ELECTION TO INCLUDE OR EXCLUDE THE STUDENT MEMBERS OF THE ACADEMIC STANDARDS AND STUDENT PETITIONS COMMITTEE FROM CONSIDERING AN INDIVIDUAL PETITION

CHECK ONE:

1. I request that the student members of the Academic Standards and Student Petitions Committee participate in the deliberation of my petition and vote on its merits.
2. I request that the student members of the Academic Standards and Student Petitions Committee participate in the deliberation of my petition, but not vote on its merits.
3. I request that the student members of the Academic Standards and Student Petitions Committee **NOT** participate in the deliberation of my petition.

REQUEST FOR PERSONAL APPEARANCE BEFORE THE ACADEMIC STANDARDS AND STUDENT PETITIONS COMMITTEE BY THE PETITIONER FOR AN EXCEPTION FROM THE ACADEMIC RULES

CHECK ONE:

1. I request to appear before the Academic Standards and Student Petitions Committee and present an oral statement in support of my petition.
2. I do **NOT** request to appear before the Academic Standards and Student Petitions Committee and present an oral statement in support of my petition.

PRINT NAME: _____

ADDRESS: _____

TELEPHONE: _____

SIGNATURE: _____ DATE: _____

HONOR CODE

HONOR CODE

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HONOR CODE

PART 1: GENERAL PROVISIONS

- 1.1. **Scope.** All provisions of this Code, except for Section 2.3(f), apply to the conduct of all students at Western New England University School of Law (the "Law School") during the time they are enrolled in the Law School. Section 2.3(f) applies to the conduct of all students during the time they are applicants for admission to the Law School. A student is subject to disciplinary action for violations of Section 2.3(f) only upon enrolling in the Law School. A student is subject to disciplinary action for violations of this Code, even though the offending student is no longer enrolled in the Law School, subject to the time limitation set out in Section 4.10.
- 1.2. **Purpose.** The purposes of this Code are:
- a. to establish standards of honorable conduct expected and required of students at Western New England University School of Law;
 - b. to constitute and define the authority of the Honor Committee; and
 - c. to provide appropriate procedure by which the Honor Committee and faculty enforce the standards this Code establishes.
- 1.3. **Duties.**
- a. All students have the duty to know the contents of this Code and to conform their conduct to it. All students are presumed to know the contents of this Code. See §2.1(b).
 - b. The Law School has the duty to make copies of this Code available to students within one week of their matriculation. In addition, copies of this Code, copies of advisory opinions issued pursuant to §3.5(b), and copies of public records created pursuant to Part 7 shall be made available in the Registrar's Office and the Law Library. All students are bound by this Code even in the event that a copy of the Code has not been provided to them by the Law School.
 - c. As members of the law school community, students should notify the Dean, the Associate Dean, or the Honor Code Committee of conduct that the student reasonably believes constitutes a violation of this Code. However, failing to give notice of such a suspected violation is not itself a violation of this Code.

- 1.4. **Definition of Faculty.** For purposes of this Code, the faculty shall consist of members of the full-time faculty and the student representatives to the faculty meeting.
- 1.5. **Construction of Code Provision.** The provisions of this Code shall be construed to further the general purpose of the Code, see §1.2(a), and the specific purposes of the particular provision involved.

PART 2: STANDARDS OF CONDUCT

- 2.1 **Culpability.** Unless a particular Standard of Conduct otherwise provides, a student violates a Standard of Conduct set forth in this Code if the student intentionally, knowingly, or recklessly engages in the prohibited conduct.
- a. *Definitions:* As used in this Code, the following terms shall have these respective meanings:
1. *Intentional:* A student intentionally violates a Standard of Conduct when it is the student's conscious object to engage in conduct of that nature.
 2. *Knowing:* A student knowingly violates a Standard of Conduct when the student is aware or is practically certain that the student's conduct is of that nature.
 3. *Reckless:* A student recklessly violates a Standard of Conduct when the student is aware of a substantial risk that the student's conduct is of that nature but the student nevertheless acts in conscious disregard of that risk. A risk is substantial for this purpose if it would be a substantial deviation from reasonable conduct, given the student's level of academic experience, to engage in that conduct in conscious disregard of that risk.
 4. *Negligent:* A student negligently violates a Standard of Conduct when the student reasonably should be aware of a substantial risk that the student's conduct is of that nature. A risk is substantial for this purpose if it would be a gross deviation from a reasonable standard of care for a law student at the student's level of academic experience and engaged in the student's conduct to be unaware of it.
- b. *Knowledge of Code:* Every student is presumed to know the contents of this Code, and ignorance of its contents or ignorance of that particular conduct is prohibited under its provisions is not a defense to any violation of the Code.

- c. *Intoxication:* If a student is found to have been voluntarily intoxicated at the time the student acted in violation of a Standard of Conduct, that student shall be deemed by virtue of that intoxication to have acted recklessly with respect to each such violation. If the Standard of Conduct in question requires proof of knowledge or intent, the Committee fact finders may consider evidence of intoxication insofar as it is relevant to whether or not the required knowledge or intent has been proven.

Explanation: This section establishes recklessness as the minimal standard of culpability for all offenses under this Code, subject to the imposition of a higher standard of culpability for individual offense within particular sections of the Code. This section rejects the idea that negligent behavior can constitute violation of the standards of conduct, or that a violation can be found solely on the basis of the effects of the student's actions (strict liability). The requirement of culpability is consistent with an Honor Code's purpose of delineating standards of honorable behavior and punishing only dishonorable conduct rather than punishing any actions that lead to harm.

This section also makes clear that ignorance of the Code is no defense to a charged violation. This rule is consonant with the fact that this is an Honor Code which represents the ethical intuitions of all members of the community, rather than a technical set of directives.

2.2. Academic Standards. The following conduct of a student relating to any Law School course (including Law Review, independent studies, tutorials, internships, moot court, and clinics), in intramural or interscholastic lawyering skills competition, or research assistant services is a violation of this Code.

a. *Plagiarism.*

1. *Definition.* Plagiarism is the written representation of the written words or ideas of another as one's own. Written words or ideas include all representations in tangible media, including audio and video recordings of oral presentations.
2. *Inference.* A student's representation of the words or ideas of another without providing appropriate citation or attribution at the point of the presentation of such words or ideas is sufficient to permit an inference of plagiarism.
3. *Presumption.* The Committee shall presume that the student has plagiarized if the student represented the verbatim or

substantially identical words of another as the student's own words by failing to use quotation marks. This presumption shifts to the student the burden of persuading the Committee that the presentation of these words without quotation marks was not intentional, knowing or reckless.

Explanation: To represent as one's own the written words or ideas of another is dishonest. Such presentation nearly always violates the integrity of the person whose words or ideas are misappropriated. Plagiarism also violates the legitimate expectation of an instructor that written work offered by someone as his or her own was truly prepared solely by that person and not in whole or in part by someone else.

In order to be sure of avoiding plagiarism, a student who uses the written words or ideas of another person, whether they are found in a published or unpublished work, or are produced through a collaborative effort with another student, must, for each instance of usage, indicate the source by way of a footnote or textual reference, and must enclose any passages taken directly from the source within quotation marks. A student may not slightly alter the written words of another and then simply provide a textual attribution to the source; in this case the student is required either to place the verbatim words of another within quotation marks, or substantially change the words by paraphrasing. Using the unwritten words or ideas of another student (e.g. receiving that student's assistance in preparing an assignment when assistance is not permitted) is not plagiarism, but may constitute a violation of this Code under Section 2.2(b)(3).

A student commits plagiarism only if the student acts intentionally, knowingly or recklessly. See §2.1. The provision makes clear that representing the words or ideas of another without proper citation or attribution is sufficient conduct from which to draw an inference of intent, knowledge or recklessness, and that such inference is sufficient to support a finding of plagiarism.

In those cases where a student has used another's words verbatim, or with minimal paraphrasing, without using quotation marks, the permissible inference becomes a mandatory presumption. This means that a student must be found to have plagiarized these words unless the student persuades the Committee that the use was not intentional, knowing or reckless.

An instructor may authorize conduct that otherwise fits within the definition of plagiarism, as for example by permitting students in a simulation class to utilize standard interrogatories from form books as part of a drafting exercise. A student may raise the question of

authority as an affirmative defense. However, in a dispute between the instructor and the student as to whether authorization was given, the student bears the burden of proof. See §2.4.

- b. *Cheating.* Cheating in connection with an assignment or examination is:
1. Acquiring information concerning an examination or assignment, without the instructor's authorization;
 2. Taking an examination for another student in whole or in part, permitting another student to take one's own examination in whole or in part, or collaborating with another student by taking an examination jointly, without the instructor's authorization;
 3. Preparing an assignment for another student in whole or in part, permitting another student to prepare one's own assignment in whole or in part, or collaborating with another student by preparing an assignment jointly, without the instructor's authorization;
 4. Removing an examination from the examination room in order to give or receive assistance on the examination;
 5. Using materials not authorized by the instructor while taking an examination or completing an assignment;
 6. Failing to follow instructions concerning the administration of an examination, including the instruction to stop writing;
 7. Breaching the anonymity of an anonymously graded examination or assignment;
 8. Discussing any aspect of an examination or assignment that one has taken or is currently taking with any person who is currently or will later be taking the same examination or assignment, without the instructor's authorization;
 9. Submitting work previously submitted for any other purpose, without authorization;
 10. Falsely claiming sickness or disability to secure a deferred examination or assignment due date; and
 11. Assisting another student with legal research for any writing assignment, or receiving such assistance, without the instructor's authorization. Providing or receiving general

assistance with generic research skills or strategies is not cheating unless this manner of assistance has been prohibited by the instructor.

- c. *Unauthorized Taking of Academic Materials.* An unauthorized taking of academic materials occurs when a student takes any academic materials (notes, books, papers, outlines, computer disks, or other work product) from any other student who owns or is using such materials, without that other student's consent.
- d. *Library Misconduct.* Library misconduct includes:
 - 1. Defacing, mutilating, or destroying library material or equipment;
 - 2. Hiding or knowingly misfiling library material;
 - 3. Knowingly removing library material from the library without checking out the materials;
 - 4. Intentionally using any computerized research services covered by a contract to which the Law School or its Library is a party in a manner that violates such a contract. Generally, permitted uses include: work for Law School courses, work in connection with other activities listed in Section 2.2, work as a research assistant to a faculty member, and authorized research regarding employment opportunities; and
 - 5. Creating disturbances that are inconsistent with the rights of others to a quiet study environment.

2.3. *Non-Academic Standards.* The following conduct by a student is a violation of this Code:

- a. *Violence on Campus.* Violence on campus is the use of physical force or violence, or the threat thereof, to harass, abuse, intimidate, coerce, or injure any person on the premises of Western New England University, except as may be necessary in self-defense.
- b. *Harassment.* Harassment is persistent conduct, including oral or written communications, directed at a specific member of the Law School community for the purpose of placing such person in fear of physical harm or of causing such person severe emotional distress.
- c. *Property Interference.* Property interference is the theft, destruction, defacement, or other interference with the use of property located on the premises of Western New England University, property of

Western New England University, or property of a member of the Law School community.

- d. *Misconduct in Seeking Admission.* Misconduct in seeking admission is knowingly providing false or misleading information to any person to gain an advantage in securing admission to the Law School.
- e. *Misconduct in Seeking Employment.* Misconduct in seeking employment is knowingly providing false or misleading information to any person to gain an advantage in securing employment.
- f. *Non-Cooperation with Honor Committee.* Non-cooperation with the Honor Committee is the refusal to meet with and provide information to the Honor Committee or its representatives with respect to any investigation or proceeding under this Code. No student is required to provide information of a self-incriminating nature.
- g. *False Statement.* False statement is making a false or misleading statement to the Honor Committee or its representatives with respect to the Honor Committee or its representatives with respect to any matter under investigation or review pursuant to this Code.
- h. *Breach of Confidentiality.* Breaching confidentiality is knowingly revealing, without authorization, information obtained through participation in a formal Law School activity (such as a Student Bar Association committee, a Law School governance committee, Law Review, or some form of employment by the Law School or University) if that information is of a confidential nature.

2.4. Proof of Violations. The following rules govern the proof of a violation of this Code:

- a. *Burden of Proof.* The investigators bear the burdens of production and persuasion, except as otherwise provided in this section.
- b. *Standard of Proof.* The standard of proof necessary to establish a violation and any affirmative defense to a charged violation is a preponderance of the evidence.
- c. *Affirmative Defenses.* In proving an affirmative defense to a charged violation of a Standard of Conduct, the accused student shall bear the burdens of production and persuasion.
- d. *Presumption of Non-Authorization.*
 - 1. Proof establishing that prohibited conduct occurred in the circumstances, other than lack of authorization, described by

any Standard of Conduct in Section 2.2 shall give rise to a presumption that the conduct was not authorized and that a student's unawareness of such lack of authorization was reckless.

2. It is an affirmative defense that the offending conduct was authorized by the instructor or that, if unauthorized, the student did not have the prescribed level of culpability concerning that lack of authorization.

2.5. *Duty to Report Violations.* Failure to report an act which may constitute a violation of this Code is not itself a violation of the Code. However, as members of the Law School community, students are expected to notify the Dean, the Associate Dean, or the Honor Committee of conduct that the student reasonably believes constitutes a violation of this Code.

2.6. *Residual Authority.* Although only the Honor Committee may determine that a student has violated this Code, nothing in this Code shall limit the authority of:

- a. instructors to establish academic standards of performance for their courses, to evaluate student performance under these standards, and to impose such sanctions for failure to adhere to these standards as is within the authority of the instructor, including without limitation, the authority to give a failing grade to the student for the course; and
- b. the Dean or the faculty to take measures to protect the physical safety of members of the Law School community, or to maintain conditions compatible with the educational process or institutional integrity of the Law School.

PART 3: THE HONOR COMMITTEE

3.1. *Composition.* The Honor Committee should consist of three members of the faculty, chosen by the faculty, and three law student representatives chosen by the Student Bar Association. The Student Bar Association also will designate two alternate members at the beginning of the year. At the beginning of each academic year the Committee shall select a chair for that year from among its members.

3.2. *Quorum.* A quorum for any meeting of the Committee shall consist of three members, except that a quorum for purposes of a hearing under Part 5 shall consist of four members acting as judges.

3.3. *Withdrawal of Members.* A member of the Committee may withdraw from the consideration of any Committee matter if such member believes that participation would be improper or unwise. A member of the

Committee shall withdraw from consideration of any Committee matter if such member provided the statement of violation to the Committee, if such member may reasonably be expected to testify or otherwise furnish information regarding facts pertinent to the matter, or if such student member is charged with a violation of the Code in the matter before the Committee.

3.4. *Replacement of Members.*

- a. Whenever a faculty member of the Committee withdraws from participation pursuant to Section 3.3, the Chair shall appoint another faculty member to serve. Whenever a student member of the Committee withdraws from participation pursuant to Section 3.3, the Student Bar Association President shall appoint one of the alternates designated pursuant to Section 3.1 to serve.
- b. Whenever members of the Committee withdraw from further participation in a matter pursuant to Section 4.6(c), the Dean shall appoint two faculty members, and the Student Bar Association President shall appoint the two alternates designated pursuant to Section 3.1 to serve as the replacements for purposes of the Committee's disposition of that matter.

3.5. *Responsibilities.*

- a. The Committee shall resolve all suspected violations of this Code brought to its attention under Section 4.1, according to the procedures set out in Parts 4 and 5 of this Code.
- b. The Committee may also issue written advisory opinions as to whether particular hypothetical conduct constitutes a violation of this Code.
- c. The Committee shall carry out all other responsibilities that this Code assigns to it.

PART 4: INVESTIGATION

4.1. *Notification of Suspected Violation.* Any person who reasonably believes that a student has violated this Code and who wishes to report such violation shall submit a statement, orally or in writing, containing all relevant information to any member of the Committee.

4.2. *Initiation of Investigation.* As soon as practicable after receiving a statement under Section 4.1, the Committee shall meet to determine whether investigation of the matter described in the statement is warranted. If the Committee determines by majority vote that investigation

is warranted, the Chair shall appoint one faculty member and one student member of the Committee to serve as investigators. Investigators shall not thereafter act as members of the Committee with regard to the matter under investigation.

4.3. *Investigation.*

- a. The investigators shall conduct their investigation in whatever way they consider appropriate, including gathering relevant documentary evidence and speaking to the person who referred the matter and other persons who may have relevant information. The investigators shall not reveal the name of the person who notified the Committee of a suspected violation or the name of the student whose conduct is under investigation unless doing so is necessary to their investigation.
- b. Before concluding their investigation, with respect to any student whose conduct is under investigation, the investigators shall:
 1. notify such student in writing of the investigation;
 2. provide such student with a copy of this Code; and
 3. advise such student in writing that the Code details the student's rights and responsibilities concerning all investigations and proceedings regarding alleged violations.
- c. The investigators shall complete their investigation within two weeks of the date of their appointment or within such longer time period as may be authorized by the Chair for good cause.

4.4. *Non-Issuance of Complaint.*

- a. After completing their investigation, the investigators shall decide whether to issue a complaint against any student. The investigators shall not issue a complaint only if they reasonably believe that no violation of this Code has occurred, that sufficient evidence does not exist and cannot be obtained to support a complaint or that the matter can be resolved informally pursuant to Section 4.5.
- b. If the investigators do not issue a complaint, they shall report to the Committee in writing the reason for their decision. Where appropriate, the report may include the views of any member of the Law School community having substantial interest in the matter.

- c. Unless disapproved pursuant to Section 4.6, the investigators' decision not to issue a complaint becomes the Committees final decision on the matter and is not further reviewable under this Code.

4.5. *Informal Resolution.*

- a. Subject to the disapproval of the Committee pursuant to Section 4.6(a), the investigators are authorized to resolve informally a matter referred to them if:
 - 1. they reasonably believe that there are substantial grounds for deciding not to issue complaint;
 - 2. they reasonably believe that no sanction is appropriate or that an appropriate sanction for the violation is one or more of the sanctions set out at Sections 5.4(d)(1)-(4); and
 - 3. the student under investigation agrees to accept the resolution proposed by the investigators.
- b. Whenever the investigators resolve a matter informally, their written report under Section 4.4 shall set forth the nature of the informal resolution, any sanction, and the investigators reasons for deciding not to issue a complaint.
- c. An informal resolution may (but need not) provide that the student admit violating this Code.

4.6. *Disapproval of Investigators' Decision Not to Issue Complaint.*

- a. The Committee may, by majority vote, disapprove a decision by the investigators not to issue a complaint only if such decision is unreasonable. Upon such disapproval the Committee may, by majority vote, direct the investigators:
 - 1. to investigate the matter further;
 - 2. to seek or to renegotiate, as appropriate, an informal resolution of the matter pursuant to Section 4.5; or
 - 3. to issue a complaint pursuant to Section 4.8.
- b. If the Committee directs the issuance of a complaint as authorized by Section 4.6(a)(3), either investigator may withdraw from further participation in the matter pursuant to Section 3.3. If either investigator withdraws, the Chair shall designate a faculty or student member of the Committee, as appropriate, to serve as a substitute.

- c. If the investigators issue a complaint after further investigation of a matter pursuant to Section 4.6(a)(1) or after the Committee's direction pursuant to Section 4.6(a)(3), the members of the Committee shall withdraw from further participation in the matter. The Dean and the Student Bar Association President, respectively, shall appoint their replacements pursuant to Section 3.4(b).

4.7. *Disagreement Between Investigators.* If the two investigators disagree as to whether to issue a complaint on a matter under investigation, the investigator who favors the issuance of a complaint shall prepare and issue it pursuant to Section 4.8. The investigator who did not favor issuing a complaint may withdraw from further participation in the matter pursuant to Section 3.3. If that investigator withdraws, the Chair shall designate a faculty or student member of the Committee, as appropriate, to serve as a substitute. At the time of the hearing on the matter, a person appointed pursuant to Section 3.4(a) shall serve as judge in place of the Committee member designated to serve as a substitute investigator.

4.8. *Issuance of Complaint.*

- a. *Conditions for Issuance.* After completing their investigation, the investigators shall, within a reasonable time, issue a complaint if they:
 1. reasonably believe that a violation of this Code has occurred, that sufficient evidence exists or can be obtained to support a complaint, and that the matter cannot be resolved informally pursuant to Section 4.5; or
 2. are directed to do so pursuant to Sections 4.6(a)(3) or 4.7.
- b. *Contents.* The complaint shall include a description of the student's alleged conduct, the charges against the student, and a specification of the Code provisions allegedly violated.
- c. *Filing and Notice.*
 1. The investigators shall submit the original complaint to the Committee for placement in the file maintained pursuant to Section 7.1.
 2. The investigators shall, by certified mail, send the student a copy of the complaint and a copy of this Code. Concurrently with the mailing to the student, the investigators shall provide each member of the Committee with a copy of the complaint.

3. The investigators' failure to provide the student with proper notice under Section 4.3(b) is not a ground for dismissal of the charges against the student. Such failure may constitute good cause for a continuance under Section 5.1.

4.9. *Continuing Responsibilities of Investigators.* After the issuance of a complaint, the investigators:

- a. may continue to gather evidence relevant to the alleged violation in preparation for the hearing on the charges set out in the complaint; and
- b. retain the authority to resolve the matter informally consistent with the rules set out in Sections 4.4 and 4.5 governing the informal resolution of a matter when a complaint is not issued.

4.10. *Time Limitation.* No investigation shall be instituted later than one year following the student's graduation, final withdrawal, or dismissal from the Law School.

PART 5: HEARING, DECISION AND SANCTION

5.1. *Timing.* As soon as practicable after the Committee receives a copy of the complaint, the Committee shall determine the date, time and place of the hearing on the alleged violation, and notify the student, by certified mail, of the time and place and of the student's rights pursuant to Section 5.2. At any time the Committee may grant a continuance of a hearing for good cause shown.

5.2. *Rights of Student Charged.* A student who has been charged with a violation of the Code shall have the following rights:

- a. to be present at the hearing and to be assisted at the hearing by counsel or any other representative of the student's choice;
- b. to review (personally and/or through counsel) any information gathered by the investigators and any evidence in the possession of the investigators at a reasonable time prior to the hearing;
- c. to present any relevant evidence at the hearing and to cross-examine any witnesses who testify at the hearing;
- d. to testify or (without prejudice or adverse comment by the investigators) to refrain from testifying at the hearing;

- e. to a closed hearing, or, upon written request to the Committee, an open hearing;
- f. to request or oppose at the hearing any particular sanction for violating this Code; and
- g. to prepare (at the student's expense) a daily transcript of the hearing record maintained pursuant to Section 5.3(d).

5.3. Conduct of the Hearing.

- a. *Judges.* The four Committee members shall serve as judges, and they shall appoint one member to serve as presiding judge for the hearing. The presiding judge shall convene the hearing and shall advise the student of the student's rights pursuant to Section 5.2. The presiding judge shall establish fair and efficient procedures, consistent with this Code, for the presentation of evidence and argument at the hearing, and shall rule on any matters arising at the hearing.
- b. *Investigators.* The investigators shall present all relevant evidence (including exculpatory evidence) to the judges.
- c. *Evidence.* Formal rules of evidence do not apply at the hearing. The presiding judge shall admit to the record any relevant evidence, unless it was obtained unlawfully. The judges may not consider evidence outside the hearing record. Notwithstanding the right to an open hearing provided in Section 5.2(e), witnesses other than the student charged with a violation shall not be present during other testimony unless at least three judges decide otherwise.
- d. *Hearing Record.* The judges shall maintain a verbatim record of the hearing, including all testimonial and documentary evidence.

5.4. Decision and Sanction.

- a. *In Camera Conference.* As soon as practicable after the hearing, the judges shall meet in camera to decide the merits of each charge set out in the complaint and to determine the appropriate sanction if the charged student is found to have violated this Code. The judges may reopen the hearing to take additional evidence for purpose of determining an appropriate sanction.
- b. *Finding of Violation.* The judge shall find a violation of this Code only if at least three judges determine that a violation has been proved under the rules established by Section 2.4.

- c. *Sanctions.* The judges shall impose one or more sanctions for each violation of this Code. Any sanction imposed shall be agreed to by at least three judges. In reaching their decision as to appropriate sanctions, the judges may not consider evidence outside the hearing record. The judges may take into account the possible impact that the sanctions may have on the student's admissibility to the bar.
- d. *Available Sanctions.* Sanctions include one or more of the following:
 - 1. Written warning;
 - 2. Written reprimand;
 - 3. Requiring the student to accept appropriate counseling;
 - 4. Restitution;
 - 5. Probation;
 - 6. Requiring a retake of an examination in a course, or requiring additional work as condition of satisfactory completion of a course;
 - 7. Withdrawal from or withdrawal of credit for a course;
 - 8. Lowering of a grade in a course, including the imposition of the grade of "F";
 - 9. Suspension for one or more semesters from the Law School;
 - 10. Expulsion from the Law School;
 - 11. Withdrawal of a degree awarded; and
 - 12. Publication to the Law School community of the identity of the student.
- e. *Entry on Student's Record.* Written notice of the finding of violation and of the sanctions imposed shall be entered on the student's permanent record unless at least three judges find that the conduct constituting the violation does not raise a serious question as to the student's character and fitness for the practice of law.
- f. *Opinion.*
 - 1. Within seven days of the hearing the judges shall prepare a written opinion briefly setting forth: the evidence they

considered; their findings of fact; their decision on the merits of each charge set out in the complaint; the sanctions imposed, if any; the reasons for their decisions on the merits and as to any sanctions; and the number of judges who concurred in each aspect of the decision.

2. A judge who disagrees with any aspect of the disposition may prepare a separate opinion.
3. As soon as practicable, the judges shall send a copy of each opinion by certified mail to the student charged in the complaint.

PART 6: APPEALS

- 6.1. ***Right of Appeal.*** The student may appeal the judges' decision or the sanctions imposed, or both, to the faculty. No sanction shall be imposed pending the faculty decision of the appeal.
- 6.2. ***Notice of Appeal.*** Within ten days of receiving the decision, or within such additional time as the Chair may allow, a student who wishes to appeal must submit a written notice of appeal to the Chair. The notice of appeal shall include a brief statement of the reasons for appeal. The student may assert additional grounds for the appeal in the written brief or oral statement permitted by Sections 6.3 and 6.7. As soon as practicable after receiving notice of an appeal, the Chair shall inform the Dean of its submission.
- 6.3. ***Written Briefs.*** The student (or the student's representative) and the investigators may submit written briefs regarding the appeal.
- 6.4. ***Preparation of Transcript.*** At the request of the faculty or the student taking the appeal, the Chair of the Committee shall prepare a transcript of the record of the hearing and make copies of that transcript available at the Law School's expense to the faculty and to the student. The Committee shall make such copies available as soon as practicable.
- 6.5. ***Transmission of Documents.*** As soon as practicable, but in no event later than two days before the hearing on appeal, the Chair of the Committee shall transmit to the faculty copies of the written notice of appeal submitted by the student, the complaint, the judge's written opinions and any briefs submitted under Section 6.3.
- 6.6. ***Hearing on Appeal.*** As soon as practicable after receiving notice of an appeal from the Chair of the Committee pursuant to Section 6.2, the Dean shall set the date, time, and place for the hearing of the appeal by the faculty and shall provide at least five days advance written notice of this date, time, and location to the student and to the Chair of the Committee.

The Dean, or a faculty member designated by the Dean, shall preside at the hearing on appeal.

- 6.7. **Oral Statement.** The student (and the student's representative) and the investigators may make brief oral statements to the faculty regarding the appeal.
- 6.8. **Decision on Appeal.** As soon as practicable after the hearing on appeal, a majority of the faculty voting on the appeal shall affirm, reverse, or modify the judges' decision and sanctions, or remand the matter to the Committee. The faculty shall affirm all findings of fact made by the judges unless it determines that the findings were not supported by substantial evidence. The faculty shall not consider any evidence outside the hearing record, although for good cause shown the faculty may remand the matter to the Committee for the purpose of taking additional evidence. The faculty shall review *de novo* any sanction imposed by the judges, but shall not increase any sanction. The faculty shall also review *de novo* any interpretation of this Code made by the judges.
- 6.9. **Withdrawal.** A faculty member may withdraw from participation and voting in the determination of an appeal if such member believes that participation or voting is improper or unwise. A faculty member shall withdraw from participation and voting in the determination of an appeal if the faculty member filed the statement of violation with the Committee, represented the charged student in connection with the charges, or served as a witness during the hearing. Neither Committee members nor investigators shall be present or vote at the hearing on appeal, except as provided by Section 6.7.
- 6.10. **Disqualification.** The student may petition the faculty to disqualify not more than two faculty members from voting on the appeal. The student shall present a written memorandum in support of the petition to the faculty. By majority vote, the faculty may grant the petition and disqualify up to two faculty members from hearing the appeal. Faculty members who are the subject of the petition shall not vote on the question of their disqualification.
- 6.11. **Finality of Decision on Appeal.** Decisions of the faculty under Section 6.8 shall be final. Decisions of the Committee pursuant to a remand by the faculty shall be appealable as provided in this Part.

PART 7: RECORDS OF PROCEEDINGS

7.1. Committee File.

- a. **Creation and Maintenance.** The Committee shall create and maintain a file with respect to every notification of suspected violation

pursuant to Section 4.1 and advisory opinion pursuant to Section 3.5(b). The file shall contain all documents relevant to the Committee's consideration and disposition of the matter in question.

- b. *Sealing.* Subject to the preparation of records pursuant to Sections 7.2 and 7.3, the Committee shall seal any file maintained as a result of notification of suspected violation at the conclusion of the proceedings.

7.2. Official Record.

- a. *Duty to Prepare.* At the conclusion of the proceedings, the Committee shall prepare an official record with respect to every notification of suspected violation pursuant to Section 4.1.
- b. *Matters Resolved Without a Hearing.* When a matter is resolved without the issuance of a complaint pursuant to Section 4.4 or by informal resolution pursuant to Section 4.9(b), the official record shall contain the written report of the investigators and any other information the Committee decides should be retained.
- c. *Matters Resolved After a Hearing.* When a matter is resolved after a hearing pursuant to Part 5, the official record shall contain the hearing record maintained pursuant to Section 5.3(d), the original complaint, the judge's opinions, any decision on appeal, and any other information the Committee decides should be retained.

7.3. Public Record.

- a. *Duty to Prepare.* At the conclusion of the proceedings, the Committee shall prepare a public record with respect to every notification of suspected violation pursuant to Section 4.1.
- b. *Matters Resolved Without a Hearing.* When a matter is resolved without the issuance of a complaint pursuant to Section 4.4 or by informal resolution pursuant to Section 4.9(b), the public record shall contain the written report of the investigators with the names of individuals excised from the text.
- c. *Matters Resolved After a Hearing.* When a matter is resolved after a hearing pursuant to Part 5, the public record shall contain the complaint, the judges' opinions, and any decision on appeal, with names of individuals excised from the text. The Committee shall include in the public record the identity of the person found to have violated the Code only if the judges direct such inclusion as a sanction pursuant to Section 5.4(d)(12).

7.4. *Inspection of Records.*

- a. *Official Record.* The Committee subsequently may consult the official record for any purpose relevant to its responsibilities under this Code, but only if the public record is insufficient for that purpose. The administrators of the Law School may inspect the official record only for the purpose of deciding whether to certify the student for admission to the bar. The official record shall not otherwise be disclosed to any person without the prior written authorization of the student.
- b. *Public Record.* The Committee shall provide a copy of the public record to each member of the faculty and, for decisions finding a violation, shall make the public record available to the Law School community pursuant to Section 1.3(b).

7.5. *Preservation of File and Records.* After three years from the student's graduation, expulsion, or final withdrawal from the Law School, the Committee may destroy any material contained in the Committee file or in the official record of a proceeding under this Code, other than the judges' opinions and any decision on appeal. The Committee shall permanently retain the public record.

PART 8: RATIFICATION, AMENDMENT AND PROSPECTIVE APPLICATION

8.1. *Ratification and Effective Date.* This Code, and any amendments thereto shall take effect upon ratification by majority vote of the faculty and by majority vote of the Student Bar Association. The effective date of this Code is August 22, 1999.

8.2. *Amendment.* Any student or instructor may propose an amendment to this Code by submitting such amendment in writing to the Committee for its consideration. If four members of the Committee approve such amendment, as modified if appropriate, the Committee shall submit the amendment to the full-time faculty and Student Bar Association for their ratification pursuant to Section 8.1.

8.3. *Prospective Application.* This Code shall apply to conduct only if the conduct in question occurs entirely after the date of ratification. Amendments to this Code also shall have only prospective effect. Conduct not governed by this Code is governed by the Honor Code in effect at the time the conduct constituting an alleged offense commenced.

Western New England University
Student Handbook 2014-2015

Law Students at Western New England University must abide by the terms and policies governed by Western New England University and the Western New England University School of Law. (Revisions made during the academic year can be found at <http://www1.wne.edu/assets/67/finalhandbook.pdf>)

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SECTION I

CAMPUS RESOURCES AND OFFICES

ALCOHOL AND DRUG EDUCATION SERVICES

Campus Center, Room 249, (413)782-1360

lore.detenber@wne.edu

www.wne.edu/ade

The mission of Alcohol and Drug Education Services is to contribute to a safe and healthy university atmosphere where students can make low-risk and abstinence choices about drug and alcohol use. This office provides confidential counseling and support for students with concerns about their own, a family member's, or friend's use of alcohol and/or drugs and maintaining one's recovery from abuse/addiction. Brief Alcohol Screening and Intervention (BASICS) is a personalized check-up about drinking, which has received very positive feedback from WNE students. Other services include: a resource center for anyone in the University community; training for student leaders, faculty, and staff; outreach in the residence halls; support for the student Peer Education Network; and classroom presentations.

(updated 5/2014)

ATHLETICS

Alumni Healthful Living Center, (413)782-1202

www.wne.edu/athletics

WELLNESS AND RECREATION

Western New England University offers a variety of activities and educational programs to meet the fitness and recreational needs of students.

- **Intramural Sports:** A major interest on campus is the intramural program, which is open to the entire university community. Intramurals begin in early September and continue throughout the academic year. Opportunities include: flag football, outdoor and indoor soccer, basketball, volleyball, team handball, wallyball, kickball, softball, ultimate Frisbee, and disc golf. All intramural information can be found online at the intramural website at www.wnegoldenbears.com
- **Fitness Center:** The comprehensive fitness center and strength training facility is open daily. The Wellness staff is available for questions regarding fitness programming.

(updated 5/2014)

BLUE & GOLD CAMPUS STORE (UNIVERSITY BOOKSTORE)

Campus Center, Room 127, (413)782-1284

www.wne.bkstr.com

The Blue & Gold Campus Store carries the required textbooks necessary for all courses and includes a stock of educational supplies. A variety of Western New England University apparel, gifts, reference books, soda, candy, and school supplies are also available. The Campus Store is typically open Monday through Thursday from 9:00 a.m. until 5:00 p.m., Friday from 9:00 a.m. until 4:00 p.m., and Saturday from 11:00 a.m. until 3:00 p.m. The Blue & Gold Campus Store website can be accessed at www.wneshop.com. The Bookstore is also on Facebook at www.facebook.com/WesternNewEnglandUnivBkstr

(updated 5/2014)

CAMPUS CENTER

Campus Center, Room 220, (413)782-1203 & Room 137C, (413)782-2236

<http://www1.wne.edu/studentactivities/>

The St. Germain Campus Center is part of the educational program of the University. Under the supervision of the Office of Student Activities and Leadership Development, the Campus Center serves as the "living room" of the campus and provides services and programs to meet the needs of the campus community. The Office of Student Activities and Leadership Development provides cultural, social, and recreation activities to incorporate leisure time into the learning environment. The Campus Center has been designed with the student's interests in mind, yet it serves the entire campus community. Several offices are located throughout the Campus Center. Office space for student organizations can be found on the first floor. Administrative offices include: the Vice President of Student Affairs and Dean of Students, Student Activities and Leadership Development, Residence Life, the Office of First-Year Students & Students in Transition and Academic Support, Food Services, Campus Events, the Career Development Center, Diversity Programs and Services, Counseling Services, the Office of Spiritual Life, Alcohol & Drug Education Services, the Center for Civic Engagement, and Learning Beyond the Classroom. All activities and meetings held in the Campus Center are coordinated by the office and student staff working in the building. Conference Rooms may be scheduled through Campus Events. Programming areas include: the Art Gallery, the Rock Cafe and the Game Room. Stop by the Information Center on the first floor to check out campus happenings and off-campus leisure resources.

(updated 5/2014)

COMPUTER RESOURCES

Office of Information Technology

Churchill Hall, 3rd floor, Room 301, (413)796-2200

www.wne.edu/oit

The Office of Information Technology's primary goal is to provide the University community with comprehensive and reliable technology. The department supports all types of technology and is continually partnering with the academe to ensure the presence of state-of-the-art facilities for delivering education.

The department also provides business applications, appropriate technology, and support to conduct the University's business enterprise.

The Office of Information Technology is committed to providing the highest quality of support and a high level of client satisfaction in its delivery of services.

Questions? Contact the Help Desk at (413)796-2200.

For a more complete list of resources, along with policies and procedures related to technology at Western New England University, go to <http://www.wne.edu/oit/> and select "Policies" and then "OIT Handbook"

COUNSELING SERVICES

Campus Center, Room 249, (413)782-1221

www1.wne.edu/counselingservices/

Caring, licensed professionals provide confidential help to students with personal, social, and educational concerns. Common areas of concern include: adjustment to university life, anxiety, depression, relationships and sexual orientation, eating disorders, substance abuse, sexual/physical abuse, and test anxiety. Services include: individual, couple, and family counseling, as well as crisis intervention. We can provide a list of off-campus therapists when requested.

(updated 5/2014)

D'AMOUR LIBRARY

D'Amour Library, (413)782-1535

<http://libraries.wne.edu/>

Open 100 hours a week during the academic year, D'Amour Library provides students with access to a vast collection of information resources through its print collections, numerous electronic books and databases, course reserves, and cooperative agreements with other institutions. The Library provides space to study, to conduct research, to read, to write, and to collaborate on group projects. There are 128 computers available for student use, which provide access to numerous software applications as well as to the Internet. Wireless connectivity is available throughout the Library. All printing is free. A limited number of study rooms are available for individual use or group projects. Librarians are available in-person or virtually via email or instant messaging to provide reference assistance daily, except Saturdays. The WNE identification card also serves as a student's library card. A library barcode and personal identification number (PIN) are needed to gain access to electronic resources from off-campus as well as to all electronic reserve materials. Late night access to the computer laboratory and the digital editing room on the ground floor of the Library is available for all current students on a Monday through Friday basis during the academic year. Please visit the D'Amour Library website at <http://libraries.wne.edu/> for more information about the Library's resources, services, and hours.

(updated 5/2014)

DINING AND FOOD SERVICES

Campus Center, Room 244, (413)782-1228

www.campusdish.com/en-US/Csne/Wne/

The Campus Center is home to the Dining Room, featuring Real Food on Campus (RFoC), P.O.D. Convenience Store, Starbucks and Grille Works. All dining areas, including the Rock Café and the "Convenience store," feature food items that you can purchase with food points. The Rock Cafe features burgers, made to order deli sandwiches and more. Grab a soft drink or coffee before heading to class!

Our Catering Department offers a wide variety of snacks and meals to accommodate your club and group functions.\

(updated 5/2014)

HEALTH SERVICES

Center for Sciences & Pharmacy, Suite 235, (413)782-1211

www1.wne.edu/healthservices/

Health Services is directed by a family nurse practitioner and is staffed with nurse practitioners, physician assistants, and a part-time physician. All health care providers are board certified. Health care is available Monday through Friday from 8:30 a.m. to 4:00 p.m. while undergraduate classes are in session. During times when Health Services is not physically open, a provider is on-call to offer medical advice and direction. Treatment at Health Services is delivered at no cost to students; however, students are responsible for costs associated with outside medical services. These include but are not limited to: laboratory fees, radiology charges, prescription medications, and visits to off-campus health care providers.

IMMUNIZATION AND HEALTH RECORDS

All full-time students are required to have on file with Health Services a medical history and recent physical examination. A completed immunization record is mandatory and should include evidence of immunizations (documentation or titer values) against: measles, mumps,

rubella, tetanus, diphtheria, 2 doses of varicella, 3 doses of Hepatitis B, meningitis, and, for health science students, Tb testing. Failure to provide this information will result in removal from classes.

UNIVERSAL HEALTH CARE

The Commonwealth of Massachusetts requires that undergraduates taking nine credits or more and graduate students taking seven or more credits must either purchase insurance through the University or complete an online waiver form with pertinent information about their private insurer. Failure to complete a waiver or enrollment form will result in the student being automatically enrolled in the University's insurance program. All international students must purchase the University's insurance policy. For more information, contact Health Services.

(updated 5/2014)

MAIL SERVICES

Campus Utilities Building (CUB), (413)782-1509

<http://wne.edu/mailroom>

All mail and package deliveries are made to Campus Mail Services located in the Campus Utilities Building. From there, USPS and intra-campus mail is delivered to student mailboxes located in the Campus Center. Student mail is usually delivered to the Campus Center in the early afternoon.

All resident students are assigned a mailbox. Commuter students may also be assigned mailboxes and can receive keys by visiting Mail Services. If a package arrives that will not fit in the student mailbox a notice will be placed in the box. The student can pick up packages at Mail Services. Hours of operation are Monday-Friday 8:00 a.m. - 4:00 p.m. and Saturdays (during the school year) from 8:00 a.m. - 12:00 p.m. When picking up a package, student must bring the notice and a valid University ID.

Please address all student mail as follows:

Student Name

Mailstop # _____ (Mailstop # is box number assigned by Mail Services)

Western New England University

1215 Wilbraham Road

Springfield, MA 01119

Students keep the same mailbox as long as they are an active student.

Students leaving the University (graduating, withdrawing, transferring, suspension, etc.) must return their mailbox key to Mail Services prior to leaving. Seniors are to return key prior to Commencement. There is a \$45 charge for unreturned mailbox keys.

If a resident student moves off-campus and becomes a commuter, he/she must notify Mail Services at 413-782-1509 if they no longer want an on-campus mailbox. Unless you request that Mail Services close the box, University departments will continue to send important mail to your campus mailbox. Mailbox key must be returned to Mail Services to avoid the \$45 charge.

Mail services include: overnight and international shipping, FedEx, UPS, certified mail, postal services and shipping supplies. Stamps are available at Mail Services and at the University Bookstore.

(updated 5/2014)

PUBLIC SAFETY

Public Safety Building, (413)782-1207

<http://www1.wne.edu/dps/>

EMERGENCY: (413)782-1411

The Department of Public Safety provides a full range of safety and crime prevention services, including 24-hour police patrols on foot, on mountain bikes, and in cruisers; fire safety efforts; emergency and safety phones throughout campus; emergency medical response/first responders; and educational programs on alcohol and drugs, personal safety, rape aggression defense, and fire safety.

The Department is staffed with trained and qualified personnel, including a director, administrative lieutenant, operations lieutenant, five sergeants, eleven public safety officers, and five dispatchers. Each public safety officer is certified under Massachusetts law and has full special state police powers. In addition, the Department of Public Safety employs a trained security staff assigned to specific buildings throughout the Western New England campus.

RESIDENCE LIFE

Campus Center, Second Floor, (413)782-1317

<http://www1.wne.edu/residencelife>

RESIDENCE LIFE MISSION STATEMENT

In partnership with the Office of Residence Life, students create opportunities that foster personal development, leadership skills, and academic success. Together we strive to create safe, supportive, and inclusive residential communities in which students practice and promote respect, community involvement, and acceptance.

RESIDENCE LIFE WEBSITE

The Residence Life website is available at [http://www1.wne.edu/residence life/](http://www1.wne.edu/residence%20life/), or you may access it via the University's homepage. Our

website includes a wide variety of detailed information on policies and procedures, as well as an online copy of the Resident Student Housing Agreement, the primary publication for all students who live on campus.

RESIDENCE FACILITIES

Different types of residential living units are available to students as they proceed from their freshmen to their senior year at Western New England University. To be considered for campus residency, the student must be actively enrolled at the University as a full time, undergraduate or graduate degree candidate. Since campus residency is optional at the university, the student must initiate a request for accommodations through the provision of a non-refundable, non-transferable payment. Receipt of this payment authorizes student-initiated participation in the online housing selection process, known as the Housing Management Application (HMA). To confirm campus residency, the student is responsible for completing all components of the online process. Otherwise, the University presumes the student has made other arrangements for accommodations as a commuter.

GENERAL INFORMATION ON POLICIES AND PROCEDURES

The policies and procedures provide a framework for students, individually and collectively, as members of a larger community during their time at Western New England University. These policies and procedures are not simply a list of essential expectations for personal behavior or use of physical space; they exist to inform students of both their rights and their responsibilities as students.

We recognize that not every student chooses to live on campus; however, numerous commuting students do visit their peers where they reside on campus. Comprehensive information may be found on the Residence Life website and other resources provided by the department.

VISITATION IN THE RESIDENCE AREAS

A guest (any person who is not a Western New England University undergraduate or post baccalaureate student) or a visitor (a Western New England University undergraduate or post baccalaureate student who is not assigned to that particular location he/she is visiting) may interact with a student in his/her assigned place of residence. Guests must be 18 years of age or older; guests under the age of 18 need to provide written documentation from parents/guardians for consent. Visitation is a privilege and may be limited or revoked if abused. Displacement and/or inconveniencing of any member of the residential community in order to accommodate a guest or a visitor are unacceptable and subject to accountability. The presence of an overnight guest or visitor should normally not exceed two consecutive nights. Please refer to "Visitation Policies in Campus Housing" in the Student Code of Conduct for additional information.

CLOSING OF RESIDENCE FACILITIES

All residence facilities are closed during regularly scheduled vacation periods (including the semester break) and students are not allowed to maintain residency during those times. Exceptions to this policy may be granted by the Office of Residence Life. If approved, occupancy is limited to Evergreen Village or Gateway Village, on a space available basis, and an additional fee for lodging will be assessed.

Any student in housing without approval will be assessed a fine for unauthorized presence and may be required to immediately depart.

Students may also register as a late departure, so as to remain in their assigned place of residence until the morning after the residence areas officially close. Departure must occur by 10:00 a.m.

(updated 5/2014)

SEXUAL MISCONDUCT ADVOCATE AND RESPONSE TEAM (SMART)

smart@wne.edu, (413) 575-7194

SMART is a group of dedicated volunteer students (men and women) who are trained to assist and provide confidential support to students who have encountered any form of sexual misconduct, and educate the Western New England University community about these issues. If you have been sexually mistreated, we urge you to contact a SMART representative who will offer emotional support, explain all your options, and be there to help you with whatever course of action you choose.

(updated 5/2014)

SPIRITUAL LIFE

Campus Center, Room 249, (413)782-1628

<http://www1.wne.edu/spirituallife/>

Spiritual Life is a common ground of many faiths. The staff, clergy, faculty advisors and Spiritual Life Student Council reflect our commitment to respond to the needs of our campus with an open heart and mind. Weekly gatherings include the Interfaith Spiritual Life Luncheon, Roman Catholic Mass and student led meetings.

Student groups: Hillel, Newman Club, Muslim Student Association and Cornerstone Christian Fellowship.

The Holy Day and Holiday of our traditions are central in our planning process as we seek to honor our own traditions and learn from one another. Interfaith opportunities are offered through the year. Spiritual Life's programs reflect our commitment to respond to our community with an open heart and mind. Spiritual Life serves as a resource for information about local places of worship and other faith-based organizations in the area, as well as providing on-campus and off-campus opportunities for religious expression and exploration

(updated 5/2014)

STUDENT ADMINISTRATIVE SERVICES

D'Amour library, Ground level, (413)796-2080

www1.wne.edu/sas/

Student Administrative Services (SAS) combines the different financial aspects of student's lives by centralizing billing, collections, financial aid, and records and registration in one area.

In addition to the services above, students with a valid ID may cash checks at SAS. Maximum amount per day is \$75.

Banking hours vary, but the Bank is typically open during SAS hours. SAS is open Monday through Thursday from 8:00 a.m. until 5:00 p.m. and Friday from 8:00 a.m. until 4:30 p.m.

(updated 5/2014)

STUDENT EMPLOYMENT

Rivers Memorial 107, (413)782-1679

<http://www1.wne.edu/humanresources/>

Western New England University's Student Employment program can help you meet your educational and personal expenses. More than 50% of our undergraduates work on-campus in a variety of positions including but not limited to Office, Research or Lab Assistant, Short Term Temporary Staff, Student Patrol, Facility and Grounds Staff, Interviewer, Equipment Room Assistant, Service Desk Technician, Circulation Aide, Peer Tutor and Mail Clerk.

Through student employment you will have the opportunity to contribute to the Western New England community while learning and practicing skills to use in future jobs and internships. The office of Human Resources, located in Rivers Memorial Building, administers the On-campus Student Employment program and is available to assist you in your job search should you need their expertise. There are two types of On-campus Student Employment opportunities: Federal Work Study and institutional.

FEDERAL WORK STUDY

The Federal Work Study Program provides funds for jobs for undergraduate students with financial need, allowing them to earn money to help pay educational expenses. The program encourages community service work and work related to each student's course of study. Federal Work Study Program is need-based and requires a completed financial aid application on file with the University. The Federal Work Study wages are partially funded by the federal government, which is why many University offices prefer to hire students who have an award. Federal Work Study funded jobs can be on campus or in some cases off campus. If a student works on campus, they will usually work for the University. Off campus jobs are with federal programs such as America Reads.

Some Federal Work Study jobs involving direct and unmonitored contact with children do require criminal offender record information (CORI) checks.

INSTITUTIONAL

For students not receiving a Federal Work Study award, some University offices have institutional jobs available. Wages for institutional jobs are fully paid for by the University. These are on-campus positions.

On-campus private vendors such as ARAMARK hire independently and not through this program.

GETTING A JOB

Jobs are posted on the Western New England University Human Resources web page and students are encouraged to search for and apply for jobs electronically. To view and apply for jobs, students must register online at www.myinterfase.com/wne/student/. Once the student's information has been reviewed by Human Resources staff, the students account will be activated and they can then log in to update their profile, upload a résumé, view and apply for jobs by following the application instructions, and save their searches as well as view their activity. Students should actively follow up with their potential employers once they have applied. For further assistance, please contact Myra Quick, Student Employment Coordinator at myra.quick@wne.edu or at (413)782-1529.

STUDENT EMPLOYMENT JOB FAIR

A Student Employment Job Fair is held annually during the first two weeks of the fall semester. Representatives from a variety of University offices and departments attend to recruit student employees. Students will have an opportunity to speak with potential supervisors about the nature of the job responsibilities.

2014 On-Campus Student Employment Job Fair

Thursday August 28, 2014

10:00am-3:00pm

Rivers Memorial Hall

IMPORTANT!

All employees are required to complete a Federal I-9 form PRIOR to starting work. Staff will be available during the job fair to assist you in completing this document as well as necessary payroll forms.

Please bring with you the following documents:

Original Social Security Card **OR** Original Birth Certificate

AND

A valid unexpired drivers' license or state issued picture ID

(A valid passport is also acceptable for identification purposes)

Note: If you have lost your Social Security card you may apply for a replacement card. To do so, you must complete Form SS-5 which can be found at www.ssa.gov/online/ss-5.html or call 1-800-772-121.

(updated 5/2014)

SECTION II
ADDITIONAL ACADEMIC REGULATIONS AND POLICIES

PATENT POLICY

The University's patent policies are broadly applicable to students as well as to faculty and staff. Like faculty and staff, students' creativity is enhanced by their exposure to the resources (both physical and intellectual) of the University. The University's contribution to that creativity is reflected in its policies, which provide that intellectual property including patentable inventions will be owned by the University rather than by the individual inventor.

An invention made by a student will be deemed made under University auspices and therefore the property of the University if: (a) in connection with work in a course in which the student is enrolled or which the student is auditing, or (b) in connection with faculty-supervised independent work, or (c) in the course of the student's work for the University; whereby such invention is hereby assigned by the student to the University.

SELECTIVE SERVICE REGISTRATION

All male students who have not served either on active military duty, or are not members of the Reserves and/or National Guard, or are not citizens of specific Federal States or Trust Territories, within 30 days of their eighteenth birthday, must register with the Selective Service.

Furthermore, under Federal Regulations, Sub-part C: Statement of Educational Purpose and Selective Service Registration Status, Sections 668.31, .32, and .33, appropriate registration with Selective Service is necessary before receiving any funds under Title IV, Higher Education Act Programs. Until the student has filed the appropriate statement of educational purpose, he is ineligible to receive such funding, including Perkins Loans, Direct Ford Student Loans, Supplemental Loans, Pell Grants, University Work Study, and similar federal program monies.

Male students can register for Selective Service at www.sss.gov.

SECTION III: STUDENT CODE OF CONDUCT AND OTHER POLICIES

SECTION ONE: GUIDING PHILOSOPHY

The goals of this Student Code of Conduct and the corresponding review processes are to help students understand and accept their obligations as members of this community and to advance the University's educational mission by defining and establishing certain norms of behavior. The rules and policy statements that follow serve to clarify commonly accepted standards of conduct by members and prospective members of this University community.

SECTION TWO: STUDENT CODE OF CONDUCT

ARTICLE 1: SENSITIVITY WITHIN A DIVERSE COMMUNITY

In any community, the value placed on the individual member constitutes its commitment to understand and respect diverse traditions, life circumstances, birth origins, and cultural beliefs, thereby celebrating differences among groups and individuals. This commitment further determines how learning is viewed.

Western New England University believes that education should both enable and empower each student to live and work in a global environment with sensitivity to persons who may or may not share the same age, cultural tradition, ethnicity, gender, gender expression, geographic origin, life circumstance, physical or intellectual ability, political orientation, race, religion, sexual orientation, socio-economic station or veteran's status. Diversity is to be understood in a global context and education should be viewed as a vehicle that encourages pluralistic understanding, honors human dignity, and seeks to protect the integrity and rights of all citizens.

Western New England University seeks to bring together students, staff, and faculty who represent a world-view. It seeks to foster an environment that promotes independent and tolerant thinking and, through its curricular and out of class experiences, brings divergent voices into the learning dialogue. It seeks to build a community defined by global diversity, which is characterized by a safe, positive, and supportive environment.

A distinguishing characteristic of Western New England University is a commitment to civility in all interactions between and among the individuals and groups making up our academic community, as well as in dealings with visitors to the Campus and the larger community in which we reside. In this context, respect for the worth and dignity of the individual and an appreciation of differences should be such that derogatory or defaming remarks, ethnic slurs, offensive humor, and such other behaviors that cast aspersions on individuals or groups for whatever reason are not acceptable to the University community, and may be subject to action under this Student Code of Conduct.

Bias and Bias-based incidents

Western New England University is firmly committed to addressing all bias and bias-based incidents in a timely manner. Any complaints of bias and/or unlawful discrimination shall be addressed according to the policies and procedures set forth in the Western New England University Discrimination/Sexual Harassment Grievance Policies and Procedures, referenced in the student and also contained in the student and employee handbooks, which can be found at; <http://assets.wne.edu/45/sexualharassmentdiscriminationbooklet.pdf>. Information is also contained in the student and employee handbooks. Adjudication of issues that may be violations of the bias/civility policy may be pursued in accordance with the University's Student Code of Conduct and/or the University's Discrimination/ Sexual Harassment Grievance Policies and Procedures.

Based on recommendations of the Bias Response Committee, Western New England University defines bias as any stereotypical opinion or attitude toward a person(s) based upon actual or perceived membership in a group, including, but not limited to: sex, race, color, creed, religion, ethnic or national origin, age, disability status, sexual orientation, gender identity or gender expression, or veteran's status. A bias-based incident is an event which has the intent or effect of demeaning or degrading an individual or group and is motivated in whole or in part by the perpetrator's personal bias. Certain bias-based incidents may also be violations of state and/or federal discrimination laws. Although not an exhaustive list, bias-based incidents may take the form of:

- Threatening written, verbal, or electronic communication
- Graffiti
- Physical assault
- Sexual assault or harassment
- Stalking
- Vandalism
- General harassment or coercion
- Behavior that creates an unwelcoming and hostile environment

Bystander Intervention: Assisting & Reporting an Act of Bias

Persons witnessing an act of bias should provide all possible support to the victim of such activity but should refrain from any act that might lead to an escalation of the situation. If assistance in resolving a situation is needed, Public Safety and/or Residence Life staff should be contacted immediately. If you have experienced or witnessed any act of bias or discrimination on the campus, or involving any member of the Western New England University community, information pertaining to this incident should be reported immediately and confidentially to:

Dr. Jeanne S. Hart-Steffes Vice President for Student Affairs and Dean of Students 413-782-1282 jsteffes@wne.edu	Chief Adam S. Woodrow Office of Public Safety 413-782-1207 awoodrow@wne.edu
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ARTICLE II: STATEMENT OF GENERAL EXPECTATIONS OF STUDENTS

Students and prospective students of Western New England University are expected to conduct themselves in a manner that is consistent with the educational mission of the University. Certain community standards and values are expected of all students. They include, but are not limited to: respect and concern for others, honesty, integrity, and a commitment to intellectual and personal growth. Students are expected to use reasonable judgment in their daily lives both on and off-campus, and to show concern for the wellbeing of others. Basic respect for human dignity, for individual differences, for individual rights and resources, and for the well-being of the community should guide a student's thinking and behavior. Western New England University recognizes that our community is not limited to our physical campus and includes "online" and "offline" interactions and postings. Students are expected to be honest and forthright in their dealings with University officials, faculty, staff, offices, committees, and each other. Violations of this provision will be considered sanctionable offenses.

As in any community, there are limits on behavior for the 'common good' of all its members. One intervention tool utilized by University staff (Public Safety and Residence Life) is a *communication / violation form*, often referred to as a C/V form that documents behavioral concerns. It is intended to help students make more productive choices consistent with the University's expectations. This form includes matters of mutual respect and consideration, including a variety of safety concerns. It can be a stand-alone document that simply confirms that a situation has occurred as a 'teachable moment' for a student or, depending on the circumstances, may require additional follow up through a conduct hearing.

The University fulfills its responsibility to notify students through internal systems of communication: the assigned campus mailbox, campus-assigned e-mail, and/or voice mail. Students are expected to regularly and consistently check their mail. Communication through these formats will be assumed as delivered by the University and therefore received by the student.

ARTICLE III: SPECIFIC STANDARDS OF BEHAVIOR

Certain behaviors by any student, students, or student organizations can violate the Student Code of Conduct. Prohibited behaviors include, but are not limited to:

A. Offenses Against Another Person(s), such as:

- Stalking, threatening or causing physical harm to another person;
- Intentionally or recklessly threatening or causing another person emotional distress;
- Intentionally or recklessly demonstrating abusive behavior toward another person, including, but not limited to, verbal or written statements (including Internet/ electronic communications) that constitute a form of expression unprotected by law (e.g., obscenity, fighting words, defamation, etc.);
- Any recording (audio and/or visual) of a person without his or her knowledge or consent; or
- Any actual or threatened non-consensual sexual act or misconduct. Non-consensual presumes that the other person is able to make a reasonable judgment under the circumstances and is not impaired by intoxication, unconsciousness, or other incapacity. If the other person is impaired, a student may not guess, assume, or infer consent. This includes hazing.

Hazing: Under Massachusetts General Laws, Chapter 269, Sections 17, 18 and 19, any form of hazing is considered to be a criminal offense punishable by a fine and/or imprisonment. Furthermore, persons who are knowledgeable of, or witness hazing incidents and fail to report them, are also subject to similar penalties.

Each Western New England University student organization, at the beginning of each year, and every student at the time of registration, is provided with a copy of Massachusetts General Laws concerning hazing. The officers of student clubs and organizations are required to sign a formal statement acknowledging receipt of such regulations, and verifying their adherence to refrain from any practice of hazing, harassment, or activities which may serve to cause embarrassment to prospective members, initiates, or pledges. Any student organization found to be involved in such hazing or harassment of members or prospective members will have its recognition immediately withdrawn and be required to disband. Any participant in hazing will be subject to strong disciplinary action, including immediate dismissal from the University, and will be referred to the appropriate off-campus authorities.

B. Offenses of Possession, such as:

- Possession, use, being in the presence of, and/or distribution of any narcotic, drug, chemical compound, or other controlled substances, except as expressly permitted by law; or
- Possession of drug paraphernalia (pipes, bongs, hookahs, clips, scales), whether used, unused, or decorative. Such items are subject to confiscation.

C. Offenses that Threaten Campus Order, such as:

- Creating any safety or health hazard;

- Disrupting the classroom and/or campus learning environment (including insubordination or disrespectful conduct) that may result in immediate dismissal from class by the faculty member and/or participation in any co-curricular event, activity, or organization by the appropriate supervisor or administrator;
- Disrupting the campus living-learning environment;
- Disorderly conduct;
- Falsely reporting fire or other emergency situations;
- Failing to cooperate with reasonable requests by University officials, including Public Safety officers;
- Failing to complete assigned educational sanctions in a satisfactory manner;
- Operating a motor vehicle in violation of traffic rules or so as to endanger people or property including, but not limited to, operating under the influence of alcohol and/or any other controlled or illegal substance;
- Possession, distribution of, or selling of any form of false identification;
- Failing to appear before the appropriate disciplinary body on campus when called to do so;
- Intentionally furnishing or conveying false or misleading information to any University official; or
- Possession or use of any device that could result in harm to others including, but not limited to, any weapon, firearm or projectile firing device.

D. Offenses of a Criminal or Immoral Nature, such as:

- Violating the laws of federal, state, or local governments; or
- Demonstrating moral depravity.

E. Offenses against Property, such as:

- Destroying or vandalizing property;
- Trespassing;
- Littering or any similar behavior/activity that shows disregard for the care and upkeep of space and property;
- Unauthorized use of property;
- Duplicating or possessing property without permission;
- Stealing or any activity that involves possession of another's property without the person's knowledge or consent;
- Embezzling; or
- Intentionally or recklessly interfering with another person's use of his or her property.

F. Responsibility for Standards of Behavior

Students are also responsible for all the policies in Section III of this handbook entitled, "Standards of Behavior and Student Accountability".

- Student Code of Conduct
- Acceptable Use of Technical Resources
- Social Media Policy
- Gaming Policy
- Alcohol Policy
- Civility Statement
- Sexual Harassment and Sexual Misconduct Policy
- Additional Standards and Policies (Americans with Disabilities Act, Controlled Substance Act, Firearms and Weapons Possession, Gambling, Non-Discrimination Policy, Parking and Traffic Violations, Smoking Policy and Title IX)

G. Additional Responsibilities for Standards of Behavior

In addition to the aforementioned Article III Standards of Behavior, students are also responsible for the standards of behavior set forth in the following documents:

- Resident Student Housing Agreement
- Community Covenant
- Other Documents (as published by the University)

H. Civility Statement

A distinguishing characteristic of Western New England University is a commitment to civility in all interactions between and among the individuals and groups making up our academic community, as well as in dealings with visitors to the Campus and the larger community in which we reside. Any behavior or communication that contains elements of incivility will not be tolerated. When disagreements occur between individuals and/or groups, as they do in all communities, it is expected that the merits of opposing positions will be discussed

without resort to insult, personal attack, or bias. Every member of the Western New England University community has the right to her/his beliefs so long as they are expressed in a manner that is respectful of the rights of others. The ideas of others and their right to hold and express those ideas in a civilized manner must likewise be met by civil response from those who may hold opposing positions. The cultural expectations of Western New England University require that each member of our community has the right to be treated with respect and dignity at all times. Persons witnessing an act of bias should provide all possible support to the victim of such activity but should refrain from any act that might lead to an escalation of the situation.

Students are responsible for University policies and procedures regarding incidents of bias. A copy of the policy may be obtained from the offices of the Dean of Students, the Deans of each College, the Western New England University Discrimination/ Sexual Harassment Grievance Policies and Procedures, within the “Student Code of Conduct” section of the Student Handbook and at the following link <http://www1.wne.edu/studentaffairs/>.

ARTICLE IV: INTERIM ACTION

The University reserves the right to take necessary and appropriate action to protect the educational environment and the safety and well-being of members of the University community. The Vice President for Student Affairs and Dean of Students, or his/her designee, has the authority to take steps to temporarily (yet immediately) revoke or restrict a student’s presence on the campus when it is reasonable to believe he/she poses a credible danger to others, to property, or to himself or herself, or whose presence might disrupt the operations of the University.

Based on the circumstances, the student’s presence on campus and ability to use University facilities may be revoked or restricted through a summary suspension or other interim action. This status precedes a conduct review for consideration of suspension or dismissal from the University. The student may not return to campus until the scheduled time for his or her pre-hearing informational meeting, and the scheduled time for the conduct review unless indicated otherwise. At the close of the hearing, the student must immediately depart from campus and may not return until notified otherwise.

Based on the circumstances, the student may be restricted from all University property and facilities or specific aspects of the campus environment, as follows:

1. Restricted from some or all residential areas, including the adjacent grounds (sidewalks and entrance landings, parking lots, etc.)
2. Restricted from all areas other than the facilities in which the student is taking his or her scheduled courses; unless otherwise indicated, he or she may use commuter parking lots to attend these classes.
3. Restricted from particular location(s) on the campus, to be clarified in the written notification.
4. The student will be notified within 72 hours of the ‘next steps’ to resolve this situation. Further action may include specific provisions, such as a behavioral agreement, or a conduct review for alleged violation of one or more standards for behavior within the *Student Code of Conduct*.

As part of interim action, the University reserves the right to **place a hold on University documents** (including, but not limited to; a diploma, degree certification or transcript) until the situation has been resolved through a conduct review or other action taken by the University.

SECTION THREE:

OVERVIEW OF THE STUDENT JUDICIAL SYSTEM

ARTICLE I: INTRODUCTION

The purpose of the judicial process at Western New England University is to maintain the integrity of the educational mission of the institution while promoting the safety and dignity for each of its members. The process is educationally purposeful and provides students with the opportunity to recognize, and take responsibility for, their actions and behavior. Through intentional conversations, we strive for outcomes that are fair, nonjudgmental, and tailored to the individual. We are dedicated to helping students have a better understanding of the University’s policies in order to promote responsibility, accountability, and personal development.

ARTICLE II: DEFINITIONS

The complainant is the person, group, or the University reporting an incident or act that allegedly violates a policy, procedure, guideline, or philosophy of the University. The respondent is the student(s) or student organization allegedly in violation of the applicable policy, procedure, guideline, or philosophy of the University.

ARTICLE III: INDIVIDUAL RESOLUTION OF COMPLAINTS AND GRIEVANCES

The University encourages open and honest communication between members of its community. Most conflicts can be resolved by the individuals involved; those individuals are encouraged to confront issues of disagreement or conflict and to explore joint solutions consistent with the University’s mission and philosophy. In addition, the University provides a number of resources to individuals who need assistance in informal conflict resolution. Those resources include fellow students in leadership roles, paraprofessional and professional staff within the Division of Student Affairs and Public Safety.

ARTICLE IV: ALTERNATIVE ON-CAMPUS AUTHORITIES

In cases where conflicts cannot be mutually and informally resolved with reasonable satisfaction, the University offers several formal grievance procedures, dependent on the substance or severity of the claim. Individuals who want to pursue a complaint or grievance against another member or members of the campus community should first consider the substance of the claim and should then utilize the appropriate

process for resolution. In this regard, the University reserves the right to determine the most appropriate process or procedure for addressing and resolving the problem or concern.

A. For Claims of Sexual Misconduct

The grievance procedures are available through the Offices of Human Resources and of the Vice President for Student Affairs and Dean of Students. More information can be found in the Sexual Harassment and Misconduct brochure.

B. For Grievances Regarding Faculty, Staff, or Administration

See applicable sections in the faculty and staff handbooks.

C. For Disputes Regarding Student Educational Records

See policy on Student Records and Confidentiality in this Handbook.

D. For Claims or Grievances Stemming from Student Misconduct

The student judicial system described below has jurisdiction over all students and student groups. All students who violate the University's Student Code of Conduct, either as individuals or as members of a group, are under the authority of the student judicial system. The University reserves the right to pursue grievances or complaints pursuant to one or more of the available processes, as circumstances warrant.

ARTICLE V: MISCONDUCT AND OFF-CAMPUS AUTHORITIES

The University reserves the right to take disciplinary action against Western New England University students involved in any inappropriate, criminal or non-criminal conduct that occurs off-campus, particularly when such incidents have implications for campus safety and/or the reputation or operation of the University. The University may initiate disciplinary proceedings for off-campus conduct whether or not legal sanctions have been or may be imposed.

Students are accountable to both external authorities and to the University. Acts that constitute violations of the law and the Student Code of Conduct are subject to both University disciplinary proceedings and civil liability, criminal prosecution, or other University proceedings. Respondents may not challenge the University disciplinary proceedings on the grounds that criminal charges, civil actions, or other University proceedings regarding the same incident are pending, may be initiated, or are under investigation. The University and/or Public Safety will refer matters to and cooperate with federal, state, and local authorities for prosecution when appropriate.

Official reports from any off-campus authority may be obtained by the University and/or admitted as information presented at any administrative or hearing board disciplinary proceeding. If such reports are not available at the time of the scheduled hearing, an agent of the University (such as a Campus Police officer) may present a summary report based on his/her access to this information. Access includes, but is not limited to, a conversation with the individual(s) who prepared the report/s and/or the opportunity to read the actual report(s). Furthermore, if the report(s) is/are part of information presented at the hearing, clarification and/or supplemental information may be presented by the agent of the University during the hearing.

ARTICLE VI: STRUCTURE

The student judicial system is composed primarily of administrative officers (the Vice President for Student Affairs and Dean of Students, the Assistant Dean of Students/Student Activities and Leadership Development, the Assistant Dean of Students/Residence Life, and staffs within their departments) and Boards that serve as recommending bodies for student accountability (the All-University Disciplinary Board and the Peer Review Board). The Vice President for Student Affairs and Dean of Students is ultimately responsible for the integrity of the judicial system.

ALL-UNIVERSITY DISCIPLINARY BOARD (AUSB)

The All-University Disciplinary Board (AUSB) consists of three faculty, three students, and three administrative representatives. The faculty representatives are selected by the Faculty Senate; the student representatives are selected by the Student Senate; and the administrative representatives are selected by the Vice President for Student Affairs and Dean of Students. Selections for service on the AUSB are made in late spring for the next academic year only. Members may serve successive terms if selected to do so. The Board elects its own Chair. Any combination of five members is satisfactory to conduct hearings. A majority vote of those present is required for recommending action. Recommendations of the AUSB are forwarded to the Assistant Dean of Students for consideration and approval. Requests for review of decisions conveyed by the Assistant Dean of Students may be made only to the Vice President for Student Affairs and Dean of Students. In cases where the University is not in active session and the AUSB has not been established or is not available, or where the University is in session and the AUSB has not been established or is unavailable, the designated administrative officer (the Assistant Dean of Students) serves as the original hearing body. Requests for review of decisions of suspension or dismissal conveyed by the Assistant Dean of Students may be made only to the Vice President for Student Affairs and Dean of Students.

ARTICLE VII: RANGE OF SANCTIONS

The severity of the penalty imposed will be based on both the current case and the respondent's previous record(s) of misconduct, as maintained in the Office of the Vice President for Student Affairs and Dean of Students. Students found in violation of the Student Code of Conduct are subject to one or more of the following range of sanctions:

A. Dismissal from the University

Dismissal is permanent removal from University programs, facilities, and property without the privilege of re-admission or access. This sanction will be recorded in the student's file and on the student's transcript. Notations in the transcript will be for a minimum length of time, to be designated by the hearing officer at the time other sanctions are imposed. Once disciplinary action against a student has been initiated, including the appeal process, a hold will be placed on any requests for transcripts.

The range of time that notations will remain on the transcript is as follows:

- Offenses against another person: 1-6 years;
- Offenses against property: 1-3 years;
- Offenses of possession: 1-3 years;
- Offenses that threaten campus order: 1-3 years; or
- Offenses of a criminal/immoral nature: 1-3 years

These time ranges may be assigned consecutively or concurrently. A dismissed student may petition to delete this notation from her/his transcript after

the length of time has elapsed.

B. Suspension from the University

Suspension from the University is a sanction for a stated period of time or until specific conditions have been met. During the period of suspension, the student is not permitted access to University property, facilities, or programs. Suspension is noted in the student's file and on the student's transcript during the term of suspension. If suspension occurs during a semester in progress, University practice mandates that all courses become administrative withdrawals.

C. Removal from University Housing

This sanction entails forfeiture of student housing privileges for a stated period of time, including visitation restrictions to any residence area owned or operated by the University. If loss of residency occurs during a semester, the balance of the room and board fee is non-refundable and non-transferable.

D. Disciplinary Probation

A serious sanction, disciplinary probation may be assigned for a stated period of time during which a student's ability to participate in co-curricular or University sponsored activities, to use facilities, or to benefit from other University privileges may be limited or removed. During the probationary period, any violation by the student may be grounds for removal from university housing or suspension or dismissal from the University.

E. Censure

Censure may be assigned for a stated period of time. It is a written statement given to the student for misconduct warranting a stronger reprimand than a simple written warning. Further misconduct of a related or similar nature may warrant probationary status.

F. Warning

This is an oral or written statement to the student that s/he has violated the Student Code of Conduct. A warning may be taken into account in judging the seriousness or determining sanctions for future violations.

G. Educational Sanctions

Educational sanctions are intended to promote student learning as a result of misconduct and may include counseling referrals, a formal apology, assignments to educational programs, a research or self-reflection paper or any other type of similar action. A failure to fulfill educational sanctions in a satisfactory manner may be cause for further accountability.

H. Fines or Restitution

This sanction entails reimbursement to the University or a third party for damage done to person or property and/or accountability for specific acts of misconduct.

I. Removal from University Sponsored Travel or Travel Booked Through the University

This sanction involves the forfeiture of traveling privileges for a stated period of time or for a specific trip sponsored by or booked through the University. All students must be in good standing with the University to be eligible to participate in these initiatives. Examples of University sponsored travel include, but are not limited to: international study abroad programs, alternative spring break trips, and extended trips by athletic teams of the University. Any deposit paid by a student for University sponsored travel will be nonrefundable should the student be removed from the trip due to academic, disciplinary, or other reasons prior to departure.

It should be noted that disciplinary sanctions are not limited to the above, and that the outcomes noted above simply serve as examples of internal sanctions commonly considered. The University also reserves the right to take criminal or civil action through the courts as necessary and desirable. Sanctions may be imposed immediately, even if the respondent seeks a review as outlined in Section Four, Article III.

SECTION FOUR: JUDICIAL PROCESS

ARTICLE I: PROCESS FOR REPORTING ALLEGED CODE VIOLATIONS

Any member of the University community may report an incident by a student/s or student organization/s that allegedly violates the Student Code of Conduct. Reports may be made by or on behalf of any member of the University community. Reports can be made orally or in writing to any member of the Vice President for Student Affairs and Dean of Students staff, who then refers the matter to the appropriate administrative officer. In reviewing incidents of alleged misconduct, including written report(s), oral statement(s) and/or audio or video recordings, the appropriate administrative officer or hearing board will base conclusions on what it is reasonable to believe occurred at a certain time (what more likely than not transpired during the situation in question.) This approach to decision-making is particularly relevant when information is being disputed and an agreement or consensus cannot be reached during the hearing.

ARTICLE II: INITIAL SCREENING

Based on the complainant's report, the administrative officer will determine whether further action should be taken, and whether the alleged violation could lead to a sanction of suspension or dismissal from the university.

In making the determination of whether an alleged violation could lead to a sanction of suspension or dismissal from the University, the administrative officer will consider the totality of the circumstances surrounding each case. To aid the administrative officer in directing each case to the appropriate forum, he/she may consider, but is not limited to, any of the following:

- Nature and gravity of the offense;
- Past disciplinary record; or
- Any and all information gathered as a result of a preliminary investigation.

The appropriate administrator will make a reasonable effort to contact the student to initiate the judicial process. A reasonable effort shall include outreach by one of the following means: notification in writing, including university issued email; or orally, including a message left on the student's cell phone voicemail. This communication is presumed to have been received by the student. If the student fails to respond or fails to appear, the judicial process shall still occur.

ARTICLE III: CASES INVOLVING CONSIDERATION OF SUSPENSION OR DISMISSAL FROM THE UNIVERSITY
(See Standards of Behavior and Student Accountability: Student Code of Conduct: Section Three: Article IV: Items A-C)

A. Respondents are entitled to:

1. A pre-hearing informational meeting with the administrative officer, during which:
 - a. the report(s) about the alleged misconduct will be read and explained, in that s/he is not entitled to a copy;
 - b. a written outline of the judicial process and an oral explanation of that process is provided;
 - c. a written statement identifying the section of the Student Code of Conduct that was allegedly violated and the possible sanction(s) that might apply and
 - d. the meeting is intended for the respondent(s) only, unless assistance is needed for an impairment or disability. Parent(s), legal guardian(s), legal counsel and/or any other concerned person(s) may not attend.
2. Two days written notice in advance of the hearing, unless circumstances, as determined by the administrative officer, warrant otherwise or the Respondent agrees to a different time frame. This notification shall include:
 - a. the name(s) of person(s) asked to attend the hearing by the administrative officer;
 - b. the date, time and location of the hearing; and
 - c. the specific charge(s) relating to the alleged misconduct. If the Respondent fails to appear for a scheduled meeting (and does not contact the administrative officer within 24 hours to reschedule) or does not provide an accurate postal mail address, valid email address and/or current phone number to convey information to him/her after the meeting, the University will proceed with the judicial process.

B. Respondents are responsible for:

1. Cooperating with University officials during the judicial process;
2. Notifying the University of any change in residence or address, including phone number and email address to contact him/her;
3. Reading any and all materials provided in connection with the judicial process and seeking clarification in advance of the hearing;
4. Attending scheduled meetings and hearings on time;
5. Providing, in accordance with University procedures, a list of witnesses and/or advisor(s) requested to attend a hearing and recognizing that a failure of one or more of these person(s) to attend will not delay the hearing itself; and
6. Providing or presenting, if (s)he so chooses, a written statement at the time of the hearing.
7. The respondent's failure to appear for a pre-hearing meeting may result in the scheduling of a hearing without the opportunity to review the information beforehand.
8. The respondent's failure to appear for a hearing will result in a decision being rendered on the basis of reports and witnesses in attendance, thereby forfeiting his/her right to seek further review of any and all decisions made during the judicial process.

C. When the University is in session and the All-University Disciplinary Board is available, respondents may choose from among the following hearing alternatives:

1. The respondent may elect to have the case heard by an administrative officer, typically either the Assistant Dean of Students/Residence Life or the Assistant Dean of Students/Student Activities and Leadership Development.
2. The respondent may elect to have the case heard by the All-University Disciplinary Board.
3. If an alleged offense includes either sexual harassment or sexual misconduct, an administrative hearing may include male and/or female administrator(s) acting as hearing officer(s), as circumstances warrant. The All-University Disciplinary Board (AUDB) is not an option for this type of hearing. The respondent must select a hearing body (administrative officer or AUDB) within 24 hours of receiving written notice of the report. The selection must be in writing and directed to the administrative officer. If the deadline has not been met, the case will automatically be heard by an administrative officer. A deadline will be set by the administrative officer for the Respondent to submit the name(s) of his/her advisor and/or witness(es) on his/her behalf.

D. In the event that the University is not in session or the AUDB is not available, the administrative officer will serve as the original hearing body.

E. Entitlement to an Advisor from the University Community:

1. Any student who has allegedly violated one or more of the University's behavioral standards and is involved in a discipline hearing that may result in separation from the University for a stated period of time, or permanent removal, may seek assistance from an advisor of the student's choice, provided that the advisor is a member of the University community (current student, faculty member, or staff member) and is not legal counsel or acting in this capacity.
2. Any student who is an alleged victim and is involved in a discipline hearing that may result in separation from the University for a stated period of time, or permanent removal, may seek assistance from an advisor of the student's choice, provided that the advisor is a member of the University community (current student, faculty member, or staff member) and is not legal counsel or acting in this capacity.
3. Advisors are permitted to attend meetings and hearings, but may not speak during a hearing. The hearing officer, at his/her discretion, may seek out clarification or information from the advisor.
4. Parents, legal guardians, and/or legal counsel, regardless of their affiliation with complainants, respondents, and/or witnesses, are not permitted to attend any part of the process, pre-hearing or hearing.
5. If a parent or legal guardian believes that (s)he has first-hand information about an incident or situation, (s)he may prepare a written statement that the student may provide to the hearing officer or hearing board at the time of the scheduled hearing.

F. Hearing Procedures:

1. During the hearing, respondents are entitled to appear in person, to hear all witness statements, to present relevant evidence, and to direct questions to

the hearing board or officer.

2. The hearing board or administrative officer may refuse to hear any evidence that it deems irrelevant or unreliable. The hearing board or administrative officer will determine what is reliable and relevant under the circumstances of the case. Rules of evidence used in courts of law are not used in this process.
3. The hearing board or administrative officer may question the respondent and witnesses and seek clarification throughout the hearing.
4. The hearing board, after hearing the evidence, will meet in closed session to deliberate. The respondent is not entitled to hear the hearing board's deliberations.
5. In cases before the hearing board, the board forwards a recommendation of "in violation" or "not in violation" and recommended sanctions, if any, to the administrative officer.
6. The administrative officer may accept, reject or amend the hearing board's recommendation and/or sanctions, and may impose a different decision or sanction.
7. If an alleged offense involves either sexual harassment or sexual misconduct, an administrative hearing may include male and/or female administrator(s) acting as hearing officer(s), as circumstances warrant.

G. Notice of Decision:

The administrative officer will notify the respondent of the decision (and sanctions, if any) within three working days of the date the hearing(s) is/are concluded for the alleged misconduct. The decision may be conveyed verbally, if written communication to the student and other relevant documentation cannot be completed within this timeframe.

H. Review of Conduct Decisions:

1. Complainants, with the support and consent of the hearing officer, may request a review.
2. Respondents or complainants are not entitled to a re-hearing of the case. Respondents may seek one review only on the basis of one or more of the following:
 - a. a procedural error that unfairly and materially affected the outcome of the case;
 - b. the discovery of new information that could reasonably be expected to alter the decision and was not available at the time of the hearing; or
 - c. the sanction is inconsistent with the gravity of the offense.
3. Complainants may seek only one review based on Clause H listed above.
4. A respondent or complainant must submit to the Vice President for Student Affairs and Dean of Students, or his/her designee, a written request for a review by the deadline conveyed in the decision letter from the administrative officer. The request must state the grounds for review.
5. Reviews will be made by the Vice President for Student Affairs and Dean of Students, or his/her designee, who will review a report of the hearing and additional relevant information provided by the respondent.
6. The Vice President for Student Affairs and Dean of Students, or his/her designee, can affirm the original findings and sanction(s), or can impose a new decision and sanction(s). In this regard, his/her decision may either increase or decrease the severity of the original outcome.
7. The decision of the Vice President for Student Affairs and Dean of Students, or his/her designee, is final and binding.

ARTICLE IV: CASES INVOLVING SANCTIONS OTHER THAN SUSPENSION OR DISMISSAL FROM THE UNIVERSITY

(See Standards and Behavior and Student Accountability: Student Code of Conduct: Section Three: Article VII: Items D-I)

A. Informal Resolution

In many cases, the respondent can meet with the administrative officer and agree that the Code of Conduct has been violated and can agree on a mutually acceptable sanction. If that is the case, the respondent waives the right to a hearing or review of the decision. The complainant has no right to challenge a decision or sanction imposed under these circumstances. Decisions made informally are recorded with the Office of the Vice President for Student Affairs and Dean of Students. Barring the unforeseen, the respondent will be sent a confirmation letter within five days of such a meeting. Informal resolution is not an option for cases involving sexual harassment or misconduct.

B. Cases Involving Sexual Harassment or Misconduct

If an alleged offense includes either sexual harassment or sexual misconduct, an administrative hearing may include male and/or female administrator(s) acting as hearing officers, as circumstances warrant. The Peer Review Board (PRB) or All University Disciplinary Board (AUSB) is not an option in this type of case.

C. Formal Resolution

In cases where the administrative officer determines, based on a review of the incident report(s), whether or not a hearing is warranted, or the respondent and the administrative officer cannot agree on a violation or sanction, the respondent is entitled to:

1. The opportunity to meet with the administrative officer, during which the report will be reviewed, in that the student is not entitled to a copy of the report;
2. A written statement of the specific charge(s) for alleged wrongdoing and an oral explanation of the hearing process;
3. A written statement that indicates the possible (pending) or actual (final) outcomes as determined by the administrative officer; and
4. Advance notice of a hearing, in writing, if the administrative officer is referring the incident to the Peer Review Board (PRB).

D. Respondents are Responsible for:

1. Cooperating with University officials during the judicial process;
2. Notifying the University of any change in residence, address and/or phone number;
3. Reading any and all materials provided in connection with the judicial process;
4. Attending scheduled meetings and hearings on time, knowing that a failure to appear will result in the administrative officer rendering a decision.

based on the information available to him/her at that time, as well as forfeiture of the right to request further review of any and all decisions made during the judicial process; and

5. Providing a list of witnesses (a minimum of 24 hours in advance) who have been requested to attend the hearing (for cases referred to the Peer Review Board).

E. In cases where an informal resolution cannot be reached or the administrative officer believes that student input would be valuable, s/he may refer the case to the Peer Review Board. The board will follow the same procedure of reviewing evidence and in making a recommendation of “in violation” or “not in violation” and in recommending an appropriate sanction as outlined above for the All-University Disciplinary Board.

F. Respondents may request further review only in matters where the sanction was disciplinary probation and/or removal from university housing. Requests for review must follow the same process outlined for cases in consideration of suspension or dismissal from the University but are directed to the Assistant Dean of Students rather than the Vice President for Student Affairs and Dean of Students.

ARTICLE V: MISCONDUCT OF STUDENTS WHO ARE AFFILIATED WITH THE UNIVERSITY FOR NON-ACADEMIC REASONS

Students who are affiliated with the University for non-academic reasons (including, but not limited to: participation in senior week, campus employment, semester break, athletic pre-season training, vacations, and summer lodging for special circumstances) are expected to abide by all standards for conduct. In that participation in events and/ or campus residency is at the discretion of the University, the decision of the administrative hearing officer is final and binding. If the decision includes removal from housing, departure is expected within 24 hour of verbal notification. A failure to abide by these terms of the decision and/or further conduct related concerns will be cause for further accountability. For graduating seniors, this accountability may include forfeiture of the privilege of participation in any and all commencement events. The decision of the administrative hearing officer is final in these matters and there is no appeal.

ARTICLE VI: STUDENT’S RIGHT TO A DRUG USE TEST

Any student who has been reported for alleged use of any narcotic, drug, chemical compound, or other controlled substance may request a drug test (urine analysis) through the University’s Health Services. This test shall be at the student’s expense. The student must contact a member of the Health Services staff within 6 hours of the incident either by going directly to the Health Services office, if open, or calling the on-call provider if the office is closed. To speak with an on-call provider, call 413-782-1211 and follow the prompts.

If the student so chooses, the results of the drug test may be submitted as new information for consideration of a student-initiated request for further review (an appeal.) The student must sign a waiver at Health Services, authorizing release of this information to the administrator who will review the appeal and render a final decision. Release of the drug test results also permits a professional within Health Services to discuss any and all aspects of the test results with this administrator.

ALCOHOL POLICY

INTRODUCTION

The University recognizes the importance of personal and communal responsibility with regard to its alcohol policy. Members of the University community are expected to make responsible choices regarding their use or non-use of alcohol. Intoxication is not an acceptable excuse for irresponsible behavior. The University rightfully assumes that any student who has consumed alcohol is responsible for this choice and his/her resulting behavior. As part of the educational process, personal accountability includes acceptance of the consequences for violating specific standards of behavior in the University’s Alcohol Policy and Student Code of Conduct, as well as other learning-based outcomes, which may include a referral for substance use/abuse counseling.

For information on judicial proceedings, please refer to Section Three and Four of the Student Code of Conduct.

Alcohol consumption is permitted within the United States, based upon a person attaining a specific age. In the Commonwealth of Massachusetts, the law permits individuals who have achieved the age of twenty-one (21) to possess, purchase, and/or consume alcoholic beverages. University officials are authorized to enforce all state laws regarding the possession, use, and consumption of alcoholic beverages, including those that prohibit these activities by individuals under the age of 21. This includes prohibiting students of legal age from purchasing or providing underage students with alcohol. The terms of this policy apply both to students residing in university-owned housing and students who reside off-campus. Students living off-campus may not provide a site for underage drinking. If this occurs, residents of that address will be held accountable.

GENERAL USAGE OF ALCOHOL

ARTICLE I: STATEMENT OF EXPECTATIONS

Western New England University supports social interaction based on sound decision-making and, if that social interaction includes the use of alcohol, expects its use to be made in a responsible and moderate manner and in accordance with the laws of the Commonwealth of Massachusetts. Persons who abuse alcohol and therefore pose a threat to themselves or others, inflict damage to property, or disrupt any segment of the campus community as a result of the use or misuse of alcohol are subject to appropriate sanctions within the judicial proceedings of the University.

Students under the age of 21 are prohibited from possessing, transporting or consuming alcohol. The University also makes a distinction between underage and legal age residence areas on the campus. On this basis, students of any age (and their guests) may not possess, provide or consume alcohol in any underage residence facility. These facilities include: Berkshire, Commonwealth, Franklin, Hampden and Windham Halls, as well as the LaRiviere Center. Students who are 21 or older and who live in Evergreen Village, Gateway Village, Plymouth Complex and Southwood may socialize with alcohol, so long as it is done in a manner consistent with the terms of this policy.

If it is apparent that the terms of this policy are being violated or, in the judgment of University officials, the presence of alcohol causes such issues as excessive noise or ‘crowd control’, the student(s) responsible for the situation will be expected to immediately terminate the socializing. Alcohol and alcohol paraphernalia may be confiscated and disposed of by University officials, even if the residents are of legal age. Students may also be held accountable through the judicial process.

ARTICLE II: RESPONSIBLE USE

The University views responsible use as any activity or behavior that focuses on, and results in, the consumption of alcohol in moderation with an emphasis on the personal safety and welfare of others. Whenever alcohol has not been consumed in a responsible manner, and there is concern for the physical and/or emotional well-being of any individual present or involved, University staff should be contacted for assistance. Personal safety should not be jeopardized

because of potential consequences as the result of policy violations.

Knowing that the possession, transportation and/or use of alcohol by underage students is prohibited, the following expectations are intended to assist legal age students in making responsible decisions regarding the possession and use of alcohol when drinking alone or when socializing with others:

- A. Intoxication is defined by the University as any drinking-related behavior that requires the attention of University staff, including that which causes a disturbance or is a danger to persons or property. Intoxication is not an excuse for erratic, irresponsible behavior directed at one's self, others or to property. Any student who consumes alcohol off-campus, and who is disruptive and/or noticeably intoxicated when he/she returns to campus, can be documented for violation of the alcohol policy as well.
- B. Any form of 'drinking game' is strictly prohibited, even if alcohol may not appear to be directly involved in the socializing at that point in time, as well as any device or apparatus designed or intended for the rapid consumption of alcohol and/or any other beverage. Examples include, but are not limited to: funnels, beer pong tables, and ice luges. Misuse of any commodity, such as a shot glass, is prohibited as well. These items may be confiscated by university staff, in that they present a clear and present danger to personal welfare. Any university property (such as a closet door) used for a 'drinking game', or that is considered evidence of a 'drinking game,' will be confiscated as well and resident(s) are responsible for the replacement cost of this item.
- C. Because consumption of alcohol frequently involves socializing with others, it is expected that social events be approved by, and registered with, the University. A social event is defined as follows:
 - 1. Any socializing with alcohol that is part of an event hosted by a recognized club or organization, regardless of the number of persons involved or location.
 - 2. Any socializing at a students' on-campus residence that involves more than six guests and where alcohol is being served.When alcohol is part of a social event, it should be just that – a complement to the event and not the primary purpose or focus of the event. A common source of alcohol is permitted only at a University-approved social event.
- D. A common source of alcohol is defined by the University as a situation that involves any type of keg or any type of situation that could be viewed as self-service (such as an open bar, a pitcher or a 'spiked' punch bowl) and Bring Your Own Beer/Beverage (BYOB) situations of any kind.

ARTICLE III: ALCOHOLIC BEVERAGES AT UNIVERSITY - APPROVED SOCIAL EVENTS

A. Requests for Alcohol

- 1. Requests for alcohol at University-approved social events in any location other than the legal age residence areas must be received in the Office of Student Activities and Leadership Development at least four weeks in advance of the planned event.
- 2. The Office of Student Activities and Leadership Development will approve or deny each request separately. This action will be conveyed in writing to the sponsoring individual or organization.
- 3. It is the expectation of the University that an on-campus sponsor will attend and monitor the entire event, as well as the service of alcohol. If alcohol is to be sold, a City One-Day License must be obtained and displayed at the function. As follows:
 - a. A minimum of one business week if requested through the Office of Student Activities and Leadership Development; or
 - b. If on the weekend, requests may be approved at the discretion of the on-duty Residence Life supervisor.
- 4. All guests must be of the legal age to consume alcohol, and substantial food (as indicated on the request form) must be provided.
- 5. If the social event is occurring in student housing that has both of-age and underage residents, the only underage students allowed on site are the residents of the host's townhouse/ apartment and may not consume alcohol.

B. Types of Alcohol

Alcohol is limited to beer, malt beverages, and/or wine at any approved social event. Only the amount and type of alcohol that was approved may be provided or consumed at the event. This may not include any alcohol previously purchased for personal consumption.

C. Limitations on Alcohol

The University reserves the right to place limits on the amount of alcohol available at any University-approved function.

D. Physical Area

Approval for alcohol at social functions will indicate the specific area designated for service use or consumption. The sponsoring organization or individual(s) is/are responsible for restricting access to, and activity in, the area.

E. Service Portions

Alcoholic beverages, when permitted, will be in single servings only. Pitchers, open bars, and self-service bars are not permitted. Registered social events occurring in of age residence areas may not include the use of alcoholic beverages in glass containers. This policy exists to reduce the risk of personal injury from broken glass.

F. 'BYOB' Parties

BYOB situations are strictly prohibited. No alcohol other than beer, malt beverages, and/or wine supplied by the sponsor (and only those beverages previously approved for distribution) may be brought into, dispersed or consumed at University functions.

G. Availability of Food and Alternatives to Alcohol

Appropriate non-alcoholic beverage alternatives, as well as reasonable amounts of substantial food, must be readily and prominently available at functions where alcohol has been approved.

H. Supervisory Responsibilities

When alcohol is approved for use at approved social events, the sponsoring organization or individual(s) assumes responsibility for supervising and ensuring that the laws of the Commonwealth and the policies of the University are obeyed. If necessary, it is the responsibility of the sponsoring organization or individual(s) to seek the aid of University officials in ensuring that the laws of the Commonwealth and the policies of the University are obeyed.

Care should be taken in such situations to assure reasonableness of actions and adherence to appropriate laws and regulations, with particular concern for assumed liability for service to minors and consumption of alcohol by their guests.

All students serving alcohol in their place of residence are responsible for obeying the laws of the Commonwealth of Massachusetts, as well as the regulations of the University. As host(s) of the social event, the student(s) is/are responsible, as well as fiscally and judicially accountable, for their guests and the behavior of those guests. A guest is defined as anyone other than the actual residents of the space where the social event is occurring. Accordingly, hosts, as well as other residents, may be held accountable for the actions of fellow Western New England University students, and/or non-students, socializing at their place of residence.

ARTICLE IV: OTHER BUILDING PROHIBITIONS

Consumption or possession of alcohol is not permitted in any faculty, staff, or administrative lounge or office, classroom or administrative work area at any time.

ARTICLE V: OUTDOOR PROHIBITIONS

Consumption of alcohol is not permitted in any outdoor area of the campus, unless specific written permission has been granted for the event.

ARTICLE VI: OPERATING A MOTOR VEHICLE

Operating a motor vehicle while under the influence of alcohol is prohibited and subject to University, criminal, and civil action.

ARTICLE VII: PROPER IDENTIFICATION

Misrepresentation of identification for the purpose of gaining access to an area (whether on or off-campus) where alcohol is being sold or consumed is prohibited. Under Massachusetts law, persons who make, use, carry, sell or distribute false identification documents are guilty of a felony.

PROVISIONS FOR RESIDENTIAL AREAS

ARTICLE I: ALL RESIDENCE AREAS

The University reserves the right to inspect vehicles and personal belongings (i.e. backpacks, laundry baskets, and other commodities) if it is reasonable to believe that alcohol is present in, or intended for, an under-age residence area. Alcohol and alcohol paraphernalia will be confiscated and disposed of by University officials.

ARTICLE II: OF-AGE RESIDENCE AREAS

- A. Students may not display or consume alcohol in outside areas surrounding the University's residence facilities. This includes, but is not limited to: lawns, sidewalks, and parking areas. Exceptions may occur for University-approved functions or events.
- B. If there is any indication that alcohol is being misused by one or more persons in the apartment or townhouse, it will be viewed as irresponsible use. Ultimately, evidence of a policy violation will be based on the quantity of alcohol present, as well as the activity (or intended activity) occurring at that time.
- C. An accumulation of alcohol beverage containers is prohibited, and will be viewed as evidence of a large quantity of alcohol not indicative of responsible personal consumption. Empty containers must be recycled or disposed of on a regular basis and keepsake containers are not allowed.
- D. Since apartments and townhouses have complete kitchens and therefore a variety of glass containers for food, food preparation and storage, residents may purchase and consume alcoholic beverages in glass containers as well. As with any glass container, care should be taken with storage, use, and disposal.
- E. A bar is prohibited, in that the possession of alcohol is restricted to personal consumption in moderation, even in of-age residence areas. Alcoholic beverages should either be refrigerated or stored in University-provided storage space (locations such as the kitchen cabinets or closets) or personal storage space such as a trunk. In-plain-view display should be avoided.
- F. For socializing at a student's place of residence that involves up to six guests (and is therefore not a social event that must be registered with the University) the following stipulations apply:
 1. Under-age residents must not be present in the apartment or townhouse;
 2. Invited guests may not bring their own alcoholic beverages (no 'BYOB'); and
 3. Beverages must be in individual servings (no kegs, pitchers, punch bowls, etc.).
- G. If it is reasonable to believe that a large quantity and/or common source of alcohol is intended for an unregistered social event in an "of-age" residence area, the University reserves the right to inspect vehicles and personal belongings (i.e. backpacks, laundry baskets, and other commodities) Alcohol and alcohol paraphernalia may be confiscated and disposed of by University officials.

ARTICLE III: UNDER-AGE RESIDENCE AREAS

- A. To provide a clear and consistent message in underage residence areas, decorations such as neon signs, display cases, and bulk containers that specifically advertise and/or promote alcohol and its use are prohibited. Other items may need to be removed from display, at the University's judgment and discretion.
- B. The University reserves the right to inspect vehicles and personal belongings (i.e. backpacks, laundry baskets, and other commodities) if it is reasonable to believe that alcohol is present in or intended for an underage residence area. Alcohol will be confiscated and disposed of by University officials.

VISITATION POLICIES IN CAMPUS HOUSING

ARTICLE I: UNIVERSITY COMMUNITY

Members of the University community (students, faculty, administration, and staff) are permitted to visit students in their place of residence on campus, as long as their presence does not conflict with the right to privacy of others sharing the living space (roommate, suitemates or housemates).

ARTICLE II: GUEST / VISITORS

A 'guest' is any person who is not an undergraduate or post baccalaureate student at the University, while a 'visitor' is an undergraduate or post baccalaureate student at the University who is not assigned to the particular location that he/she is visiting.

ARTICLE III: RESPONSIBILITY FOR GUESTS / VISITORS

The student, as host, assumes responsibility for the presence and conduct of any guest or visitor. However, in that the visitor is an undergraduate or post baccalaureate student at the University as well, he/she may also be held accountable for inappropriate or unacceptable conduct at the location being visited.

ARTICLE IV: REASONABLE AND RESPONSIBLE VISITATION

Students are expected to make reasonable, educated and responsible decisions when entertaining guests and visitors. Good judgment and discretion are to be used in visiting residential areas, ensuring that such visits do not otherwise interfere with any individual student's legitimate use of the shared space. Resident students and their guests/visitors need to be aware that visitation is a privilege. Displacement and/or inconveniencing of a roommate, suitemate or any other member of the residential community in order to accommodate a guest or visitor is unacceptable and subject to accountability.

ARTICLE V: OVERNIGHT GUESTS

The presence of an overnight guest or visitor should normally not exceed two consecutive nights. Displacement of other occupant(s) of the living space, or causing inconvenience to him/her/them, is unacceptable as a matter of respect and courtesy. Any indication that a guest is utilizing University housing as a place of residence will result in that individual being restricted from University property, as well as accountability for the student(s) acting as host.

ARTICLE VI: GUEST ADHERENCE TO RULES

Guests are expected to abide by the same rules and regulations as those governing their host.

(updated as of 5/2014)

SEXUAL HARASSMENT AND SEXUAL MISCONDUCT POLICY

DEFINITIONS

In Massachusetts, sexual harassment means unwelcome sexual advances, requests for sexual favors, and/or physical conduct of an unwelcome sexual nature, when:

- Submission to, or rejection of, such advances, requests or conduct is made, either explicitly or implicitly, a term or condition of employment, as a basis for employment decisions or for decisions regarding a student's academic progress, grades, etc.; or
- Such advances, requests or conduct have the purpose or effect of unreasonably interfering with an individual's work performance by creating an intimidating, hostile, humiliating or sexually offensive work environment or, in the educational living/ learning setting, the creation of similarly hostile, humiliating, or sexually offensive academic or student residential environment.

Under these definitions, direct or implied requests for sexual favors by any member of the University community, particularly where a supervisor/subordinate relationship exists, in exchange for favorable academic treatment or actual or promised job benefits, such as favorable reviews, salary increases, promotions, increased benefits or continued employment may constitute sexual harassment.

Other sexually-oriented conduct that is unwelcome and has the effect of creating a workplace and/or learning environment that is hostile, offensive, intimidating, or humiliating to male or female members of the University community may also constitute sexual harassment. While it is not possible to list all circumstances that may constitute sexual harassment, the following are some examples of conduct which, depending on each circumstance, may constitute sexual harassment:

- Unwelcome sexual advances, whether they involve physical contact or not;
- Unwelcome sexual epithets, jokes, verbal references to sexual conduct, gossip regarding one's sex life, comments on an individual's body or comments about an individual's sexual activity;
- Displaying sexually suggestive objects, pictures or cartoons;
- Unwelcome leering, whistling, brushing against the body, sexual gestures or suggestive or insulting comments;
- Inquiries into an individual's sexual experiences; or
- Discussion of an individual's sexual activities.

Sexual misconduct refers to any form of physical contact or exploitation of another person of a sexual nature that is made without effective consent. Effective consent means that a person is able to make free, informed, and reasonable choices and decisions – and is not impaired by intoxication or other drug consumption (be it voluntary or otherwise), by disability, or by fear. Sexual behavior without effective consent can lead to sexual misconduct, sexual assault, and/or sexual harassment. **Consent is effective when it has been clearly communicated. Consent may never occur if a person is unconscious, unaware, or otherwise physically helpless.**

RESOLUTION OF CLAIMS

Procedures for addressing allegations of student-to-student sexual misconduct or harassment or when the student is the respondent will be addressed through the Student Code of Conduct, Section Two, Article III, Section A: Offenses Against Another Person(s).

For allegations that involve faculty, staff, or administration of the University, the full procedure is outlined in the Discrimination/Harassment Grievance Policy and Procedures brochure.

Formal resolution involves an actual hearing of the case by a male and female administrator. These administrators will consider relevant written reports, as well as verbal and/or written statements by the victim/survivor, alleged perpetrator and witnesses (if applicable). Decisions regarding accountability will be based on whether it is more likely than not that sexual misconduct, sexual assault or sexual harassment occurred.

REVIEW OF CONDUCT DECISIONS

1. A complainant, with the support and consent of the hearing officer, may request a review. This is not a re-hearing of the case and is limited to a claim that the sanction is inconsistent with the gravity of the offense based on previous or similar cases.
2. Respondents or complainants are not entitled to a re-hearing of the case. Respondents may seek review only on the basis of one or more of the following:
 - a. a procedural error that unfairly and materially affected the outcome of the case;

- b. the discovery of new information that could reasonably be expected to alter the decision and was not available of the time of the hearing; or
 - c. the sanction is inconsistent with the gravity of the offense.
3. A respondent or complainant must submit to the Vice President for Student Affairs and Dean of Students, or his/her designee, a written request for a review by the deadline conveyed in the decision letter from the administrative officer. The request must state the grounds for review.
 4. Reviews will be made by the Vice President for Student Affairs and Dean of Students, or his/her designee, who will review a report of the hearing and additional relevant information provided by the respondent.
 5. The Vice President for Student Affairs and Dean of Students, or his/her designee, can affirm the original findings and sanction(s), or can impose a new decision and sanction(s). In this regard, his/her decision may either increase or decrease the severity of the original outcome.
 6. The decision of the Vice President for Student Affairs and Dean of Students, or his/her designee is final and binding.

ADDITIONAL STANDARDS AND POLICIES

ACCEPTABLE USE OF TECHNICAL RESOURCES

Preamble

Western New England University provides a comprehensive package of computer and technical resources to students, faculty, and staff for the purpose of conducting academic and college business. Included in these services are personal computer accounts, access to e-mail, voice communications and voice mail, television, audio, and video services, disk space, network services, and desktop technologies.

The University also provides use of numerous licensed informational and research databases and software applications; use of the University's facilities is expected to be consistent with educational goals and mission of the University.

Resources, such as the University's network, computers, servers, and printers, required to provide these services are either owned or licensed by Western New England University. To use these resources is a privilege, not a right. These resources, often provided as part of one's employment or status as a student, are to be used responsibly and in accordance with 'Acceptable Use Policies'.

The University's resources are limited and the manner in which each individual utilizes these resources impacts the successful efforts of others. With respect for individual needs and limited resources in mind, the University has established standards and policies to permit the acceptable use of these resources.

It is important that everyone be cognizant of their obligations, what is meant by proper use and behavior, an understanding of actions that inhibit the success of others, and adhering to and honoring the following basic principles, standards and policies.

ACCEPTABLE USE STANDARDS AND POLICIES

ACCOUNT AND ACCESS

Restrictions include but are not limited to:

- Using the University's technical resources to engage in any activities not directly related to the University's academic, research, administrative, or residential life activities.
- Using the University's technical resources to engage in illegal activities including violation of local, state, federal, or international law.
- Using the University's technical resources for storing or transporting copyrighted material, documents/photos/software/music/video or files containing such items.
- Connecting devices other than computers in residential hall network jacks; Acceptable devices include PCs, laptops, and gaming consoles; Prohibited devices include hubs, switches, routers, wireless access points, or other such devices that permit more than one device to connect a single network jack. Devices that interfere with other devices or users on the network may be disconnected.
- Connecting devices to the University network without appropriate virus and worm related detection software. All computers must have virus protection software. OIT provides this software at no charge to students, faculty, and staff.
- Using the University's technical resources in an excessive manner or one that causes degradation, incapacitates, compromises, or in any way jeopardizes others use of the University's technical resources.
- Interfering with or attempting to interfere with service to the University community by modifying computer hardware in offices, labs, or classrooms; distribution of technology viruses; or intentionally creating resource consuming programs that force 'denial of service'.
- Sharing your account or password with anyone.
- Attempting to gain access to other individual's accounts, private files or email
- Conducting any harassing activities toward University users.
- Revealing or disclosing confidential information or invasion of another's personal privacy through electronic or other means.
- Inclusion in email messages or web pages the personal audio, image, or video material of individuals or materials owned by them without their approval and written authority.
- Use or placement of content materials that are abusive, profane, or obscene in e-mail, web pages or other network transport mechanisms.
- Using technical resources for commercial or revenue generating activities that are not authorized by the University.
- Distributing chain letters or other media that engages individuals with unannounced solicitations that are not related to University business.
- Removing software or hardware components on University computers or servers supplied by the Office of Information Technology.

EMAIL

Email is considered an official source of correspondence and University records. All students, faculty, and staff are responsible for University information sent to their "@wne.edu" account.

PRIVACY

The University does not routinely monitor, examine, or otherwise review users' online activities. However, the University does reserve the right to access, monitor, audit, and examine network traffic in order to abate network performance issues or if there is reason to believe that a user is in violation of the Acceptable Use Policy.

FORGERY

Falsifying or misrepresenting one's identity or otherwise attempting to impersonate or pass oneself off as another is a violation of the Acceptable Use Policy unless prior written consent has been provided from the representee to the University.

ENFORCEMENT

Violation of the Acceptable Use Policy may result in the University blocking or restricting the use of information resources. Violators may be subject to disciplinary action up to and including possible suspension, dismissal, or termination of employment.

DISCLAIMER

The University is responsible for backup, transfer, migration, and recovery of University data that is stored on the University's systems. The University does not guarantee that technical resources are free of objectionable material, defects, errors, viruses, worms, or other malicious content.

Rev 08/25/2011

AMERICANS WITH DISABILITIES ACT

Title III of the Americans with Disabilities Act, 42 U.S.C. 12182(a) provides that "no individual shall be discriminated against on the basis of disability in the full and equal enjoyment of the goods, services, facilities, privileges, advantages, or accommodations of any place of public accommodations." Western New England University adheres to the stipulations of this Act.

CONTROLLED SUBSTANCES ACT

Part of the federal omnibus legislation enacted November 18, 1988 is the Drug-Free Workplace Act of 1988. Under the provisions of this legislation, direct recipients of federal grants or contracts must certify that they will provide drug-free workplaces. Individuals receiving funding directly from the federal government will also have to certify that their conduct will be drug-free. In the case of colleges and universities, the Department of Education has said individual Pell Grant recipients will have to certify that they are drug-free to receive their student aid awards.

If colleges and universities do not promote drug-free workplaces, drug-free awareness programs or establishes procedures for reporting violations, they are subject to sanctions, including suspension of payments, suspension or termination of grants or debarment, thus becoming ineligible to receive grants or awards from any federal agency during the term of debarment.

Students applying for financial aid involving federal funding must certify they are drug free, and that they will remain drug-free in order to receive federally funded student aid awards. Appropriate forms for such certification are available in SAS. No fees of any kind will be charged by the institution for making such programs available to any student. No adverse or prejudicial effects should result to any student choosing to take advantage of the provisions of this Act.

FIREARMS, AMMUNITION, AND WEAPONS POLICY

Applicable to all students, staff, and faculty

1. The possession, sale, and/or unauthorized use on University property of firearms or other dangerous weapons, or ammunition, explosives, combustible fuels, firecrackers, and potential ingredients thereof is forbidden by University policy.
2. Western New England University's policies comply with Massachusetts law. In Massachusetts, it is illegal for anyone to carry firearms (including unloaded weapons) or ammunition (including some forms of knives/other weapons) on the property of a college or university in the state, unless given express written consent by the University. [1]
3. Western New England University considers any threats involving deadly weapons (firearms, rifles, shotguns, machine guns or assault weapons), explosives, bombs, chemical or biological agents, or any other deadly weapons actionable by University and local authorities, and punishable by fines and/or imprisonment.
4. Recreational devices like paintball guns, BB guns, and sling shots are not allowed on campus unless part of a University approved activity.
5. The University also prohibits any member of the community from carrying on his/her person or under his/her control in any vehicle, any object that may be used to threaten, harass and/or injure.

In conclusion, in accordance with Massachusetts General Law Chapter 269 Section 10J, weapons are prohibited on the grounds of the University with the exception of law enforcement officers duly authorized to carry such weapons. No person shall be permitted to carry firearms or other weapons, concealed or not concealed, with or without a concealed weapon permit, while on properties owned or controlled by the University.

For the purposes of this policy, the term "weapons" includes, but is not limited to: firearms of any nature or description, including shotguns, rifles, pistols, and revolvers, paintball guns, or BB/pellet guns; firearm replicas; ammunition; martial arts-type weapons; explosives (including fireworks); bows, crossbows, arrows; slingshots; switchblade knives, double-edged knives, hunting (pocket-style) knives with a blade length of three inches or greater; swords; pointed metal darts; (unauthorized) pepper spray; or any other destructive device or instrument that may be used to do bodily injury or damage to property. In addition, items that may be used as weapons, whether or not they fit the definition above, will be subject to seizure.

(updated 5/2014)

[1] M.G.L. c. 269, §10J.

GAMBLING

Gambling, including games of chance where money is involved, is not permitted on University property. Organizations wishing to sponsor a raffle or similar activity must have the approval of the Office of Student Activities & Leadership Development.

GAMING ACTIVITIES FOR FUNDRAISING

The purpose of this Policy on Gaming Activities for Fundraising is to inform members of the Western New England University community of Massachusetts' laws that govern fundraising events, which include gaming activities such as raffles and poker tournaments. As all fundraising events involving gaming activities must be conducted in compliance with legal mandates, the following guidelines are to be complied with at all times.

Any member of the University community, who wishes to conduct a fundraising event that will include gaming activities, including but not limited to, raffles

and poker tournaments, is required to conduct the event in accordance with the laws of Massachusetts and University policy.

1. **Games of Chance** - In general, gaming activities are games of chance in which a person pays something of value (i.e. cash), for an opportunity to win a prize. Games of chance include, but are not limited to, raffles and poker tournaments, including Texas Hold'em. Generally these forms of fundraising are prohibited. However, under certain conditions, qualified non-profit organizations like Western New England University may hold fundraising events, which include games of chance.

A permit, issued by the city in which the fundraising event will be held, is required to conduct a game of chance. Once issued, a permit is valid for one (1) year, so long as all reporting requirements are met.

2. **Raffles** - A raffle is a gaming activity in which a person pays something of value (i.e. cash) for a chance to win a prize. Raffles require that a permit be issued by the city in which the raffle will be conducted; there is no limit as to the number of raffles that the University may hold throughout the year. Any member of the University community wishing to conduct a raffle must comply with the following:

- Contact License Commission, City of Springfield: (License@springfieldcityhall.com, P#: (413) 787-6140), at least 30 days prior to the event.
- Receive all required reporting documents.
- Complete required report on activity within 10 days after the event.
- Remit one (1) copy of the required report with payment of 5% of gross proceeds to state lottery commission.
- Remit one (1) copy of the required report to Controller's Office.
- Retain one copy in the campus office responsible for the event.

3. **Poker Tournaments/Casino Nights** - Under Massachusetts' law, the University may hold only three (3) poker tournaments (including Texas Hold'em)/Casino Nights, whether they are held on or off campus, per calendar year. Poker tournaments/Casino Nights require that a permit be issued by the city in which the poker tournament/Casino Night will be conducted.

MUST CONTACT THE LICENSE COMMISSION, CITY OF SPRINGFIELD, BEFORE SCHEDULING A POKER TOURNAMENT OR CASINO NIGHT IN ORDER TO ENSURE THAT YOUR EVENT WILL NOT EXCEED THE STATUTORY LIMIT OF THREE (3) EVENTS PER YEAR.

4. **Special Rules Governing Poker Tournaments/Casino Nights Including Texas Hold'em**

Any member of the University community wishing to conduct a poker tournament, including Texas Hold'em, or Casino Night, for fundraising purposes, must comply with the following:

- Contact License Commission, City of Springfield: (License@springfieldcityhall.com, P#: (413) 787-6140), at least 30 days prior to the event.
- Receive all required reporting documents.
- A Public Safety Officer must be present at all times during the event.
- Appoint a member of the organization conducting the event to manage the gaming activity (Manager) and to generate all required reports.
- The Manager must be present throughout the entire event and familiar with laws and regulations governing the gaming activity.
- Appoint a separate person (Officer), other than the Manager, to handle all proceeds.
- The Officer must keep record of all transactions including, but not limited to, costs, revenue, and proceeds.
- Prizes MUST be determined in advance of the event and cannot be contingent upon, nor fluctuate in value with, the number of players at any given time, or the amount of proceeds collected, or the outcome of the game being played.
- Prizes are limited to one or both of the following: (1) merchandise of any value (including gift cards), or (2) cash awards not to exceed \$25.
- Cash prizes may be awarded at the end of the event, end of a particular game, or in any other manner as the organization so chooses.
- If you rent equipment for the event (i.e. card tables), the company providing the equipment cannot provide dealers for the event, nor can any member of the company renting the equipment be present during the event.
- Only members of the University may promote and operate the event and gaming activities. No outside organization may participate in any way.
- Rules governing the game(s) ("House Rules") must be posted conspicuously at all gaming tables for all participants to read.
- All players must be at least 18 years old.
- Accurate record of all transactions must be kept. This includes costs, revenue (money collected), proceeds, and a list of all prizes and prizes awarded.
- Complete required report on activity within 10 days after the event.
- Remit one (1) copy of the required report with payment of 5% of gross proceeds to state lottery commission.
- Remit one (1) copy of the required report to Controller's Office.
- File one (1) copy with your organization's records.

General Counsel (413) 796-2005	Controller's Office (413) 796-2334
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NON-DISCRIMINATION POLICY

Western New England University does not discriminate on the basis of race, religion, color, national origin, age, sex, sexual orientation, gender identity, gender expression or disability in admission to, access to, treatment in or employment in its programs and activities. The following person has been designated to handle inquiries regarding nondiscrimination policies:

Assistant Vice President and Director of Human Resources
Western New England University
1215 Wilbraham Road
Springfield, Massachusetts 01119

(413)-782-1343

Inquiries concerning the application of nondiscrimination policies may also be referred to:

Regional Director
Office for Civil Rights
U.S. Department of Education
J.W. McCormack P.O.C.H., Room 222
Boston, Massachusetts 02109-4557

PARKING AND TRAFFIC VIOLATIONS

Any person driving or operating a motor vehicle on campus property is expected to comply with both the spirit and the letter of traffic and parking regulations. The enforcement and supervision of motor vehicle regulations is through University Police.

All vehicles owned, operated, or used by students, faculty, staff, and administration on campus, must bear a Western New England University parking permit within two weeks of the beginning of the fall semester, and immediately at any other time afterwards. Permits are to be affixed properly to each vehicle; they are non-transferrable and the costs are non-refundable.

The University, through the Director of Public Safety, reserves the right to revoke and confiscate a vehicle permit at any time during the school year. Students are also reminded that the University Police will issue citations for violations of parking and for motor vehicle operation regulations. Students are advised that improper or unauthorized use of motor vehicles may result in towing at the owner's expense. The University Police may also immobilize a vehicle with a device for repeated infractions.

Student parking is restricted to specifically designated areas during designated times. Accommodations are available for guests. For a complete explanation of parking regulations, please consult the publications distributed by University Police, or online at <http://www.wnepolice.net>.

The speed limit on campus is 15 mph. Seat belts can and do save lives – and should be used at all times.

SMOKING POLICY

In accordance with the provisions of the Massachusetts Clean Air Indoor Act of 1988, all residence facilities are smoke-free environments. This restriction includes any devices such as a hookah, electronic cigarettes or vapor smoking devices. Smoking is prohibited within twenty-five feet of a main exit or entrance or operable window or vent of a University-owned, occupied or leased building and University vehicles.

Smoking by students and/or their guest(s) is therefore limited to the exterior of the residential facilities, all buildings including academic, athletic, and administrative. Care should be demonstrated when doing so, including the disposal of smoking materials.

“All members of the University community and guests are expected to observe the smoke free areas on campus.”
(updated 5/2014)

SOCIAL MEDIA POLICY

Social networking via Facebook, MySpace, Twitter, Google+, YouTube, Flickr, InstaGram and other digital platforms/social media has grown significantly. Members of the University community must be aware of policies and laws that apply to social networking, including other related University policies including but not limited to the University's Acceptable Use of Technical Resources Policy (including the preamble) (<http://www1.wne.edu/oit/index.cfm?selection=doc.2049>), and the University's Discrimination/Harassment Grievance Procedures (<http://www1.wne.edu/assets/45/sexualharassmentdiscriminationbooklet.pdf>).

It is important to understand that information posted online, including pictures and text, may become virtually impossible to remove from the Internet even after attempts to delete the material. Additionally, pictures and texts posted within online services can become the property of these sites once posted. Therefore, do not post information that you do not want available to a worldwide audience at the time of posting, and at any time in the future. On sites such as Facebook, be cautious to “friend” or confirm friendships with anyone you do not know because the person may be able to see personal information you have on your profile and leave your account vulnerable to being hacked. It is important that any user of a social media site be aware of the privacy settings and be fully aware of what is being shared to the world at large.

Today, many potential employers, scholarship committees, graduate school admissions committees, or even potential roommates perform “background checks” by searching the Internet. Thoughtfulness and caution should be exercised by all students and employees using social media sites. All content posted to a social site should be considered public in nature and treated as such. Posting information that may appear harmless such as your name, address, birthday, hometown, and photos can aid someone to steal your identity or commit other civil or criminal acts.

Federal and state laws apply to all members of the University community who use social networking sites. Cyber stalking, copyright infringement, defamation, invasion of privacy, obscenity, pornography, and sexual harassment are common legal concerns. Violation of any of these laws could subject members of the University community to civil and criminal actions and/or internal discipline action, up to and including termination for faculty and staff, or dismissal from the University as to students.

(updated 05/2014)

TITLE IX OF THE EDUCATION AMENDMENTS OF 1972 TO THE CIVIL RIGHTS ACT OF 1964

Title IX was the first comprehensive federal law to prohibit gender discrimination against students and employees of educational institutions. Title IX benefits both males and females, and is at the heart of efforts to create gender equitable schools. The law requires educational institutions to maintain policies, practices and programs that do not discriminate against anyone based on gender. Western New England University does not discriminate on the basis of sex in its education programs; sexual harassment and sexual violence are types of sex discrimination that will not be tolerated at the University. Under Title IX, males and females are expected to receive fair and equal treatment in all areas of schooling: recruitment, admissions, educational programs and activities, course offerings and access, counseling, financial aid, employment assistance, facilities and housing, health and insurance benefits, marital and parental status, scholarships and athletics.

TITLE IX OFFICER:

Joanne Ollson

**Assistant Vice President and
Director of Human Resources
(413) 782-1343**

Deputy Title IX Officer:

**Sean Burke- Student Affairs
Associate Director of Residence
Life for Operations
(413) 782-1316**

(as of 5/2014)

Deputy Title IX Officer:

**Aimee Klepacki - Student Affairs
Head Women's Lacrosse
Coach/Aquatics Coordinator
(413) 796-2227**

