



CHALLENGE CONVENTION.
CHANGE OUR WORLD.

Student Code of Conduct Guidebook
2023-2024
Office of Community Standards



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Introduction

Clark University students are expected to behave in ways that demonstrate their care, respect, and responsibility for the personal dignity, rights, and freedoms of all community members. They should also respect University property and the property of others.

Adherence to the provisions of the Student Code of Conduct, along with other University policies and laws outside the University, will ensure an environment of academic and personal growth for all members of the University.

Because the University expects students to show good judgment and use common sense at all times, not all kinds of misconduct or behavioral standards are specifically identified in this handbook. In addition to meeting all academic requirements, a student's disciplinary record must be in good standing to be eligible to receive a degree from the University. Clark may place a hold on the conferral of the degree, along with other student records, if any of the following exist about a student's disciplinary record:

- Any pending disciplinary proceeding;
- Any pending appeals of a disciplinary proceeding or sanction; or
- Any pending or active sanctions

Conduct Process

The University conduct system responds to complaints concerning the infringement of students' rights and alleged violations of the Code of Student Conduct by students or student groups.

Students who do not wish to bring a complaint to the University's conduct system may attempt to resolve the matter informally with the assistance of a member of the Dean of Students staff, a faculty member, a counselor, a peer, or a member of the University Police Department.

Invocation of Conduct Action

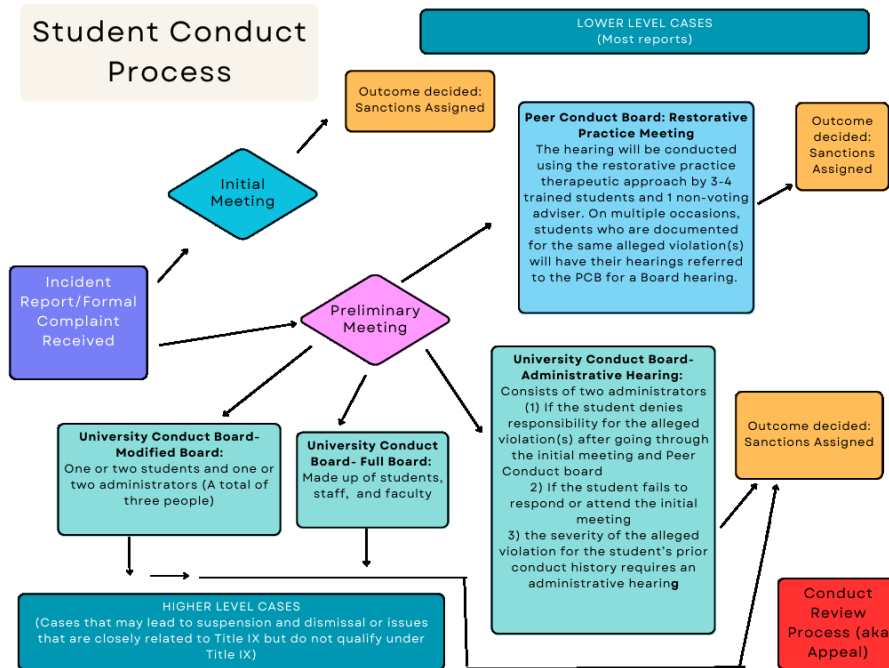
Any member of the Clark community may initiate the University's conduct process. For this to occur, a formal complaint must be submitted to the Office of Community Standards in writing, alleging that a student was responsible for one or more specific violations of the Code of Student Conduct. Community members submitting a complaint should also include the names of any members who witnessed the alleged events so that they can be contacted, at the discretion of Conduct Staff, to submit personal statements. The University may, at its discretion, initiate the University's conduct process on its behalf or on behalf of other persons based on the information that is shared.

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Initial and Preliminary Meetings

Upon receiving a referral of a case for resolution, the OCS, under the right of the Dean of Students, will determine that the matter be referred to either an Initial Meeting or Preliminary Meeting (with further processing via an Administrative Hearing, Peer Conduct Board, Modified Board or Full Board) depending on the severity of the case.

A complaint that involves a possible violation of the Code of Student Conduct will be handled by the Office of Community Standard (OCS) as part of the Division of Student Success, except in sexual misconduct cases which will be referred to the deputy Title IX officer. The University reserves the right to refer students to civil or criminal authorities for action rather than resolve the case through the University conduct system. A member of the OCS who receives the report will determine if conduct action is warranted based on a review of all information provided by the complainant. If conduct action is justified, the case will be handled by either the professional staff member, graduate student, Hearing Officer, or a Board – as outlined below.



After receiving the report, the OCS staff will determine if the report will be processed via a Initial Meeting or Preliminary Meeting.

According to the Student Conduct Process, Students have two (2) rights:

1. A right to know in advance what they are being charged with
2. A time and a place to speak about what happened

Whichever meeting type they are referred to, the student (respondent) alleged to have violated the policy will receive an email letting them know that they need to meet with a staff member.

The meeting will be scheduled when students have no classes (Reminder, OCS only has access to student courses and no other responsibilities).

This notification letter will contain the following information:

- The date and time of the alleged incident
- The charges being brought against the student
- The date and time for the meeting
- Contact information for the meeting officer

The meeting officers are trained professional and graduate student level staff. Currently, the Community Directors in Residential Life & Housing, the Assistant Director of Residential Life & Housing for Residential Education, the Director of Residential Life & Housing, and OCS staff serve as meeting officers.

Due to confidentiality, OCS will not share any incident report physically or electronically with any student. However, all students have the right to read the incident report before their meeting. Please email Office Community Standards at community-standards@clarku.edu to schedule a time to come read your report.

Initial Meeting

During an Initial Meeting, while each meeting officer has their own style, students can expect the following:

1. Reading the incident report
2. Ask for the student(s)' perspective on what happened
3. Review the charges and why these policies are in place
4. Ask the student if they accept responsibility for the violation of aforementioned charges
5. Review potential sanctions
6. Review the Conduct Review (aka appeals) Process

After the Initial Meeting, the Initial Meeting Officer will evaluate the information gathered via the report and the conduct meeting to determine if the student is responsible to alleged violations. Using the "preponderance of the evidence" criteria, which simply means to prove that something is more likely than not, if the student is found responsible for the allegations, the staff member may, when appropriate, impose appropriate sanction(s). This decision will be emailed to the student. Students may appeal the decision- for further information please see the Conduct Review Process on page 10.

Preliminary Meeting

Preliminary meetings are set up to let a student know where their case is being referred to be heard. Referral options are the Peer Conduct Board- Restorative Practice Meeting, University

Conduct Board-Administrative Hearing, Modified University Conduct Board, or Full University Conduct Board.

The reason cases are referred to these meeting/hearing/board is

- If the severity of the alleged violation and/or the student's prior conduct history requires a board/hearing/meeting
- If, during a Conduct Process Review, it is determined by the appeals officer that the case should be reheard via a board/hearing/meeting
- Due to confidentiality, OCS will not share any incident report physically or electronically with any student. However, all students have the right to read the incident report before their meeting. Please email Office Community Standards at community-standards@clarku.edu to schedule a time to come read your report.

Each preliminary meeting will include the following:

1. Reading the incident report
2. Review the charges and why these policies are in place
3. Let the student know which process the case is being referred to
4. Information about the structure of the meeting/hearing/board
5. The date, time, and location for the meeting/hearing/board
7. Review the Conduct Review (aka appeals) Process

Lower Level Case Referrals

Most times, cases do not rise to the level of a student potentially being put on probation and/or dismissed from the University. We call those lower-level cases.

At the discretion of OCS Staff, lower level cases may be referred to one of two options: Initial Meeting or the Peer Conduct Board- Restorative Practice Meeting. More information about Initial Meetings can be found on page 6 of this guidebook.

Before the Peer Conduct Board- Restorative Practice Meeting, the student will still have a Preliminary Meeting with a Meeting Officer to go over the report and talk about why the case is being referred to either of these options.

Peer Conduct Board- Restorative Practice Meeting

Students who violate university policy may be required to go through a restorative practice meeting where they will engage with their peers on the violation and its impacts on themselves and the community. The Peer Conduct Board are a group of students trained to facilitate dialogues using the therapeutic approach. Which includes all students being prompted to share the impact of the incident on themselves and their community. Learn more about Restorative Practices [here](#). They will be guided by a professional staff whose primary responsibility is to answer complex questions during the meeting.

The Peer Conduct Board (PCB) comprises three-four students with a non-voting adviser (Mostly a professional staff or Community Standard specialist) who has been trained to facilitate

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dialogues. Like the Initial meeting, during the PCB, the report will be reviewed, the student will be able to present their version of what happened, and the PCB will be able to ask the accused questions. At the end of the Board Meeting, there must be a majority vote from the board after the board to hold the student accountable. If the student is found responsible, the Board will impose appropriate sanction(s). This decision will be emailed to the student. Students may appeal the decision- for further information please see the Conduct Review Process page. The Peer Conduct Board will usually hear cases that involve violations that impact the larger community in which students live. These violations include but are not limited to quiet hours, roommate conflicts, disorderly gatherings, alcohol violations, and visitation.

Higher Level Case Referrals

Cases where a student could potentially being put on probation and/or dismissed from the University as a result of being found responsible for the alleged violations are called higher level cases. At the discretion of OCS Staff, higher level cases may be referred one of three types of University Conduct Board: Administrative Hearing, Full Board Hearing, or a Modified Board. During these processes, a recording of the proceedings may be made. For more information on conduct retention records, see our page.

Before any of these options, the student will still have a Preliminary Meeting with a Meeting Officer to go over the report and talk about why the case is being referred to any of these options.

Due to confidentiality, OCS will not share any incident report physically or electronically with any student. However, all students have the right to read the incident report before their meeting. Please email Office Community Standards at community-standards@clarku.edu to schedule a time to come read your report.

Here is more information on the three types of University Conduct Boards.

Administrative Hearing

The Administrative Hearing is comprised of 2 members which can be faculty or staff. The Hearing officers will determine if sufficient information is available to find the student responsible for the violation(s) regardless of the denial. If so, the Hearing officers will decide and impose appropriate sanction(s). Under this circumstance, the student will have the opportunity to appeal the decision to the Dean or their designee via the Conduct Review Process. To learn more, visit the Conduct Review Process (also known as Appeals) page.

Full Board Hearing

The Full Board Hearing is comprised of between 4-6 members which can be faculty, staff, or students (note: the Preliminary Meeting Officer is not precluded from serving on the UCB).
UCB Procedures

- Both the complainant and the respondent will have a preliminary meeting with the preliminary meeting officer, usually the UCB Chair. During this meeting, the Chair will review the Board procedure, and both parties will have the opportunity to read the written complaint. In the UCB cases, the respondent does have the option to accept responsibility and to have sanctions imposed by the preliminary meeting officer.
- Both parties will have access to review the entire case file before the hearing. OCS reserves the right to redact portions of the case file if it is deemed necessary in the interest of health and safety or where private information is in the file (i.e. personal medical records). The UCB Chair will schedule a time in advance, and the students will be notified during the prehearing of their scheduled time.
- Both the complainant and the respondent may request the assistance of an adviser, an individual of the student's choosing from within the Clark community. If the adviser attends the hearing, their name must be shared with the Chair at least 24 hours before the hearing. During the hearing, the adviser's role will be limited to consultation with the advisee.
- During the hearing, only the complainant, the respondent, Board members, approved witnesses, and the advisers will be present. Witnesses shall only be present when sharing information with the Board, except at the discretion of the UCB Chair. Once witnesses have presented their information to the Board, they must leave the vicinity of the hearing.
- The UCB may require the cooperation of any member of the Clark community in providing information during the hearing. However, no member of the University staff with whom the respondent has a legally cognizable privileged/confidential relationship can be required to give information arising from that role without the permission of the respondent.
- During a hearing, the Board will allow the complainant and the respondent to share information and to ask questions of each other directly or through the UCB Chair, at the discretion of the Chair. The complainant and the respondent may also ask witnesses questions, directly or through the Chair, at the Chair's discretion. Names of witnesses being requested by either party must be shared with the Chair at least 72 business hours in and before the hearing.
- All witnesses must provide the Chair with their written statements 48 business hours before the hearing. The Chair will call witnesses to the hearing at their discretion.
- The UCB Chair may remove any individual who impedes the conduct process. The Chair will act to promote a civil and respectful proceeding.
- At any point in time, either the respondent, complainant, or members of the Board may request a short recess. The UCB Chair will determine whether to grant that request and for how long. If a leave is granted, the hearing will begin at the announced time without delay.
- Following the completion of the board, the Board members shall decide by majority vote whether the respondent was responsible for the violation(s) of the Code of Student Conduct. If the decision is affirmative, the Board members will, by a separate vote, determine the sanction if one is deemed appropriate.
- If, in the course of a board, information indicating a possible violation of another provision of the Code of Student Conduct, the University reserves the right to pursue that in a separate hearing process.

- After the conduct proceeding, the UCB Chair shall share the final decision with the respondent, delivered by email to the respondent's Clark email account.
- The UCB Chair will notify the complainant of the decision and any portion of a sanction that limits contact between the complainant and the respondent
- Under this circumstance, the student will have the opportunity to appeal the decision to the Dean or their designee via the Conduct Review Process. To learn more, visit the Conduct Review Process (also known as Appeals) page.

Modified Board Hearing

A Modified Board uses the same procedures as the UCB except has a smaller board making the final determination. The Modified Board is comprised 2 members which can be faculty, staff, or students. All other procedures of the UCB are used when conducting a modified board.

Conduct Process Review

Students involved in any type of student conduct hearing will have the opportunity to appeal the decisions to the Associate Dean of Student Success, Community Living or their designee. The student has three (3) business days to send a written appeal to the designated university official from the date they received their case decision letter. A conduct process review may only be requested due to one of the following reasons:

- (1) stating that the processes outlined in the Code of Student Conduct were not followed
- (2) that the sanction given was exorbitant based on the facts of the case
- (3) or that there is new information that was not available at the time of the initial meeting.

Once the request to review is received:

- The Associate Dean of Student Success, Community Living or their designee shall access the case file when a review has been requested.
- The Associate Dean of Student Success, Community Living or their designee may, at their discretion, meet with the respondent (and complainant if UCB). They shall have the sole discretion in accepting or rejecting a case for review based on the grounds for appeal stated above, obtaining additional information relative to the point, and upholding, reversing, or amending the sanction or decision of the Board. The Associate Dean of Student Success, Community Living or their designee may also request that an ad hoc body review the case and make recommendations before making a final decision.
- While the decision of the Associate Dean of Student Success, Community Living or their designee will be considered final, the University's President reserves the right to amend or alter all administrative and conduct findings of the University.

Conduct Records

An electronic file, as well as the hearing tape or transcript thereof in higher level case referrals, will be maintained by the conduct system on each case presented for five years from the date of the decision. The file will include all related documents and correspondence.

All information contained in these files shall be confidential, with the following exceptions:

- Members of the Office of Community Standards staff will have access to the files.
- Board members will have access to appropriate files through the chair.
- And the respondent in a case shall have access to their records if any, and to documents accepted into evidence.
- If an appeal is made, the entire case file will be made available to the Associate Dean of Student Success, Community Living or their designee.

The recording of a Hearing or Board case can be accessed (limited to listening to the audio recording of the Board’s hearing in a space designated by the Chair) by both the complainant and respondent to formulate an appeal.

Periodically, information concerning conduct files and disciplinary action may also need to be made available, as necessary, to other appropriate parties at Clark with a ‘need to know,’ including University Police, the Athletics Department, the Title IX Coordinator, University Counsel, the Division of Student Success, and the offices of the Dean of the College, Dean of Graduate Studies, International Students and Scholars, and Study Abroad. Legitimate requests for “good standing status” from Student Council and University Officials are honored by the Office of Community Standards.

In addition, students applying to professional schools, transfer institutions, governmental agencies, or the military should know that they routinely request such information concerning their applicants. As part of the application process to these programs, students often provide formal permission to release confidential information. It will be assumed that a request for a dean’s recommendation provides implied consent for releasing this information.

Conduct Sanctions

The student conduct process at Clark University approaches violations from an educational perspective. The Code of Student Conduct encourages personal responsibility and accountability, always being mindful of an individual's or group's impact on the community. The sanctioning process allows students to reflect on their choices and the consequences of those actions and to make amends to the community.

Possible sanctions include:

Banned from Campus

For a definite or indefinite period, a student is restricted from all or a portion of any University premises or University-sponsored activity.

Disciplinary Hold

An administrative hold is placed on a student's record if the student has not completed a disciplinary sanction or has withdrawn from the University before the resolution of an informal conference or formal disciplinary hearing.

Note: In cases where alcohol paraphernalia is confiscated, items may be returned. In suites where drugs and drug paraphernalia were seized, the items may not be replaced by University Police. In addition, seized items that are considered illegal in the Commonwealth of Massachusetts will not be returned (specific knives, fireworks, etc.).

Disciplinary Probation

Formal notice that a student's status at the university is jeopardized due to one or more violations of the Code of Student Conduct. This sanction will be in effect for a specified period. Should a student on this sanction be found in violation of another policy during the period of this sanction, the dean or dean's designee may impose a sanction that may include "removal from University housing," "suspension from the University," or "expulsion from the University." While on probation, a student is not permitted to serve as a member of the Student Council or a standing University committee, as an executive board member of a student organization, or on the residential life or orientation staff. Staff should be aware that disciplinary probation also may affect their eligibility to study abroad.

Disciplinary Warning

A letter to a student indicating that they are being held responsible for a violation of policy in the Code of Student Conduct. This sanction will be in effect for a specified period. Should the student again be found violating the Code of Student Conduct during this period of sanction, the Dean or Dean's designee may impose an additional sanction to reflect a repeated offense. While on a disciplinary warning, a student is permitted to serve as a member of the Student Council or a standing University committee, as an executive board member of a student organization, or on the residential life or orientation staff. It does not affect their eligibility to study abroad.

Dismissal from the University

Temporary separation from the University, without financial reimbursement, for a specified period, after which the student may resume their studies after an interview with the Dean of Students and their designee and after compliance with any other parameters imposed due to the dismissal. Reinstatement to student status is not guaranteed. While on dismissal status, the student may not engage in University activities nor use any University facilities.

Expulsion from the University

Permanent dismissal from the University, without financial reimbursement and the right to return. An expelled student no longer has the privileges of matriculating and may not engage in University activities or use any University facilities.

Family Notification

When appropriate, please be aware that a student's parent(s) or guardian(s) may be notified of their participation in the University Conduct System. Students are encouraged to discuss their violations with their parent(s)/ guardian(s) before receiving a letter from the Dean or their designee.

Individualized Sanctions

Special sanctions are directly related to individual cases. These may be imposed in place of, or in addition to, other imposed sanctions. Examples include, but are not limited to:

- Substance abuse counseling and education (which may involve a fee for service)
- Restitution (payment for property loss or damage)
- Community service
- Relocation to another campus residence
- Removal from University housing without financial reimbursement and loss of visitation rights
- Loss of guest privileges
- Educational project or essay

Interim Measures

At times, it may become necessary to restrict a student's or organization's privileges and prohibit contact with specified individuals and take other interim measures. Violating interim measures is considered a violation of the Student Code of Conduct and may result in University action.

Interim Suspension

An interim suspension may be imposed by the Dean of Students or their designee for any of the following reasons:

- To ensure the safety and well-being of the members of the University community
- To ensure a student's safety or well-being
- If a student poses a substantial threat of disruption or interference with the normal operations of the University

While interim suspension status is in effect, a student may be denied access to classes, activities, and facilities until the conduct case has been resolved or the review by the Provost or their designee has been completed.

No-Contact Order

A University no-contact order is issued by the Dean of Students or their designee. This order is given when it is believed necessary to protect a person's safety and preserve a peaceful environment for all students to work, study, and live on campus.

Stayed Disciplinary

A letter to a student indicating that they are being held responsible for a violation of policy in the Code of Student Conduct, but that enforcement of any sanction is being suspended as long as the student follows the prescribed behavioral and/or performance expectations outlined in the letter. If the student fails to adhere to the expectations, or is found in violation of any other policy or Code, the sanction that would have been imposed but was stayed, or potentially a more severe sanction, might be imposed.

Suspension from the University

Temporary separation from the University, without financial reimbursement, for a specified period, after which the student may resume their studies without applying for readmission. A suspended student may not engage in University activities nor use any University facilities.

Verbal Warning

A verbal warning is typically used in cases where a formal written notice is not necessarily due to the severity of the violation. These warnings are documented so that the OCS has a record of what took place.

Written Warning

A letter to a student indicating that they are being held responsible for a violation of policy in the Code of Student Conduct. Typically, written warnings are for first-time offenses and serve as a formal reminder of community expectations. Future violations may result in more severe sanctions.

Student Code of Conduct

Abuse of Property

Abuse of property may include damaging, destroying, misappropriating, misusing, or improperly accessing (including unauthorized entry) University buildings, grounds, equipment, computing resources, educational materials, or the personal belongings of others.

Alcohol

Clark University prohibits the use, sale, provision, and distribution of alcohol, except as permitted by law, on any college-owned property, at any college activity or activity offered by an organization recognized by the college, or during any college-sponsored event or travel. The following are also prohibited on any college-owned property, at any college activity or activity offered by an organization recognized by the college, or during any college-sponsored event or travel. This policy applies to any form of alcohol.

- *Underage persons:* A person under the legal drinking age may not possess, consume, be under the influence of, or be in the presence of alcohol.
- *Drinking games:* Any activity or game that promotes or encourages the consumption of large amounts of alcohol is prohibited, including, but not limited to, activities such as beer pong, quarters, and flip cup.
- *Alcohol paraphernalia:* The possession of materials used in drinking games or activities that promote or encourage the consumption of large amounts of alcohol is prohibited, including, but not limited to, beer pong tables, beer funnels, and beer bong. Paraphernalia may be confiscated by the University.
- *Underage possession:* The possession of alcohol by a person under the legal drinking age
- *Underage consumption:* The consumption of alcohol by a person under the legal drinking age
- *In the presence of:* Students under the legal drinking age are not allowed to knowingly be present in a space where alcohol is being consumed.
- *Open containers:* Consumption and possession of open containers of alcohol are prohibited in common areas of residential buildings, inside academic and administrative facilities, and outdoors on University property unless alcohol is served legally and in accordance with guidelines as part of an approved University event.
- *Public intoxication:* Committing an offense in a public place while intoxicated to the degree that the person may endanger themselves or others
- *Communal sources of alcohol:* Communal sources of alcohol — e.g., beer balls, kegs, punches, and Jell-O shots — are prohibited.
- *Production of alcohol:* Brewing or making alcohol is prohibited in all University buildings.
- *Other dangerous conduct:* Consuming an amount of alcohol that interferes with a person's participation in the college community and poses a risk to the health or safety of students or others is prohibited.

Appropriate Use of Clark's Technology Systems

Clark has an Appropriate Use Policy (AUP) to protect the shared computing and information resources for all of campus. Students agree to the University's AUP when using any Clark computing resource, including the Clark network.

Bias Incidents

Clark University values diversity, inclusion, and an environment free from biased or discriminatory behavior. The University embraces diversity of all kinds. It is committed to providing a safe, respectful, and equitable educational and work environment free of harassment and intimidation for all members of the Clark community. Further, the University is committed to identifying and implementing anti-racist policies, procedures, and training with all members of the Clark community as part of its ongoing commitment to advance its commitment to equity and inclusion.

Bias incidents are any behavior(s) or communication(s) motivated by hatred or prejudice that demean, degrade, harm, or harass an individual or group based upon perceived or actual identification in a protected category as recognized by law or Clark University policy, including race, color, national or ethnic origin, ancestry, religion, sex, sexual orientation, gender identity, gender expression, age, genetics, physical or mental disability, and veteran or other protected status. Mistreatment could also be based on nonprotected categories, including, but not limited to, creed, marital status, political or social affiliation, or socioeconomic status. Please visit the Office of Diversity, Equity, and Inclusion to learn more:

<https://www.clarku.edu/offices/diversity-inclusion/>

Please use this link to submit a [Bias Incident Report Form](#).

Censorship of Media

Censoring the press or broadcast media, which includes but is not limited to impeding the circulation of printed media, is prohibited.

Creating Dangerous or Unhealthy Conditions

Creating dangerous or unhealthy conditions (for yourself or others) threatens the community and is prohibited. Examples of such behavior include, but are not limited to:

- Exposing others to biohazards such as bodily fluids or wastes
- Drugging another person's food or drink
- Possession or unauthorized use of flammable, corrosive, or poisonous chemicals on University premises
- Possession of firearms, explosives, or other weapons
- Tampering with any fire or safety equipment or fixtures
- Tampering with door locks, peepholes, or emergency doors (including propping doors open)
- Inappropriate use of windows (e.g., as an entrance or exit, or throwing things from or out of)

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- Lending a Clark card or key to allow an unauthorized person(s) entry to a residence hall or house

Departmental Regulations

Members of the community are expected to abide by established regulations. This includes the operating rules of academic or non-academic, laboratories, and campus departments. Departmental policies are available in this document, on individual websites, and/or in specific offices.

Disruption

Students may not disrupt the orderly processes of the University that involve teaching, research, administration, disciplinary proceedings, or other activities. Disruptive actions include, but are not limited to, unauthorized entry into or blocking/obstructing access to private offices, work areas, teaching areas, libraries, social facilities, or the ingress and egress of traffic on Clark and neighboring community sidewalks and roadways.

It is also a violation to deprive anyone exhibiting freedom of expression of the opportunity to speak or be heard, physically obstruct their movement, or otherwise interfere with academic freedom.

Disruption includes conduct that is disorderly, annoying, disruptive, lewd, overly aggressive, obscene, or which causes alarm.

Email Communication

The University communicates essential information and business to students' *@clarku.edu* email addresses. Students are responsible for all information sent to this email address.

External Community

Clark students are responsible for their behavior outside the University's confines. The University may invoke disciplinary action when notified of violations of federal, state, and local laws, whether violations occur on or off campus.

Off-campus students studying abroad or away from campus are expected to conduct themselves according to the policies and expectations outlined in the [Student Code of Conduct](#), the Study Abroad "Statement of Responsibility and Release of Liability" contract, host institution conduct codes, and host country laws. In some cases, the [Student Code of Conduct](#) is more restrictive than the host country laws; for instance, if the drinking age in a host country is lower than 21, students are expected to adhere to the U.S. drinking age of 21. If a student chooses to drink, at no time should they misuse or abuse alcohol where they present a danger to themselves and to others. In some host countries, certain drugs are legal that are considered illegal on U.S. college campuses; in these cases, students are expected to adhere to the Clark University [Student Code of Conduct](#) regarding U.S. illegal drugs and improper usage of illegally obtained drugs. Please

note that at no point should a student use the [Student Code of Conduct](#) to violate host country laws or host institutions' conduct codes; for instance, even though it may be legal to drink at the age of 21 in the U.S. and at Clark University, in some host countries and host institutions, the consumption of alcohol is illegal. In this case, the student is expected not to consume alcohol. Students who are participating in an away or abroad program scheduled for disciplinary action by their host programs will be reviewed by the Dean of Students Office, where the student conduct process may be initiated. More specifically, university charges pertaining to academic integrity violations while away will be reviewed by the College Board, and Clark's typical sanctions may apply. Students should note that study abroad disciplinary procedures are more compressed than campus procedures due to the short duration of Clark University programs, the need to address disciplinary matters more swiftly while traveling abroad, and the resources that are available in the host country to resolve disciplinary issues. In some cases, disciplinary actions could include dismissal from the Program and being returned to the United States. If dismissed from the Program, the student is responsible for all expenses incurred in returning to the United States and may need to return all or part of their financial aid, if applicable.

Forgery and Unauthorized Duplication

The forgery, alteration, or unauthorized possession or use of official documents, records, and identification instruments is prohibited (i.e., Clark credentials). This includes acts of personal misrepresentation and knowingly furnishing false information to the University. In addition, the duplication of University keys is not allowed.

Gambling

According to Massachusetts General Law, gambling is any unsanctioned game of chance where currency or property are exchanged. Gambling, including taking or placing bets or payoffs, is prohibited.

Harassment

Harassment includes conduct with the intent or effect of unreasonably interfering with a person's life in the Clark community. Examples of harassment may include, but are not limited to, intimidation, threats, stalking, slurs, derogatory graffiti, internet posting, email, text or cellphone communication, or any conduct that endangers the health, safety, or well-being of an individual or group. This behavior is violated the Code of Student Conduct and will be subject to conduct sanctions.

Hate Crimes

Acts constituting hate crimes, as defined by [Massachusetts General Laws Chapter 22C, Section 32](#), include "any criminal act coupled with overt actions motivated by bigotry and bias including, but not limited to, a threatened, attempted or completed overt act motivated at least in part by racial, religious, ethnic, handicap, gender or sexual orientation prejudice, or which otherwise deprives another person of his constitutional rights by threats, intimidation or coercion, or which seek to interfere with or disrupt a person's exercise of constitutional rights through harassment or intimidation." For this protocol, all hate crimes are considered a form of biased incident.

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A [Massachusetts General Laws Chapter 265, Section 39, Crimes Against the Person](#), states in relevant part that it is illegal to commit a crime against another person or their property with the intent to intimidate them because of their race, color, religion, national origin, sexual orientation, or disability.

Hazing

Hazing is any conduct or method of initiation into any student organization, whether on public or private property, which endangers the physical or mental health of any student or participant. Such conduct includes, but is not limited to, whipping; beating; branding; forced calisthenics; exposure to weather; forced consumption of food, liquor, beverage, drug, or other substance; or any other treatment or forced activity that humiliates, abuses, degrades or endangers the health and safety of any of the involved participants, regardless of their willingness to participate.

[Massachusetts General Laws Chapter 269, Section 18](#) also states that anyone with knowledge of a hazing incident is obligated to report that incident. Clark University complies with the MGL and National Collegiate Athletic Association (NCAA) regulations prohibiting hazing. Copies of the Massachusetts law and NCAA restrictions on hazing are available in the Athletics Department, Dean of Students Office, Dean of Graduate Studies Office (Jonas Clark Hall, room 116), and the Office of Student Leadership and Programming.

Identification

Students and their guests are required to carry proper identification at all times while on University property and are expected to comply with any requests made by University student staff and University officials to show identification.

Illegal Drugs and Improper Usage of Legally Obtained Drugs

Clark does not tolerate the distribution, manufacturing, possession, sale, or use of illegal drugs or drug-related paraphernalia (e.g., bong, pipes, etc.), including the improper use of prescription drugs. A student determined to have recently used, been under the influence, or been using illegal drugs may be found violating his code. Usage may be indicated by, for example, odor, fans, or towels under the door.

Infractions that involve the distribution of drugs may result in more severe sanctions. Clark retains the right to report all violations of this code to local, state, and federal authorities. Any student who is in the presence of illegal drugs will be held accountable for possession and/or, depending on the nature and circumstances of the incidents unless it is clear from the incident report and/or information gathered during the hearing that the student was in no way aware of nor involved in a violation of the illegal drug policy.

Despite the adoption of marijuana legislation in Massachusetts, the possession, cultivation, and use of marijuana remains illegal under federal law, and permitting its use at Clark University would violate the Drug-Free Schools and Communities Act. Marijuana possession, uses, and services are not allowed on the Clark University campus, even with a valid prescription. Students

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with a documented medical reason and a valid prescription for the use of marijuana may seek accommodations according to the Americans with Disabilities Act.

To discuss the possibility of accommodation, students should contact Student Accessibility Services, Residential Life and Housing, the Dean of Students Office, or the Dean of Graduate Studies for more information. These accommodations, if applicable, may or may not include the use or storage of marijuana and/or related paraphernalia on campus or on University-owned property.

Joint Responsibility

Any student who assists another person in the commission or attempted commission of violating the Code of Student Conduct or other University policy may be held jointly responsible. This includes hosting a nonstudent who commits an offense.

Medical Amnesty

In cases of intoxication, alcohol poisoning, or suspected overdose, the primary concern is the health and safety of the person(s) involved. Individuals are strongly encouraged to call for medical assistance (508-793-7575 or x7575 from an on-campus phone, 911 if off-campus) for themselves or a friend/acquaintance who is dangerously intoxicated or under the influence. No student seeking medical treatment for an alcohol or other drug-related overdose will be subject to the University's conduct action for the sole violation of using or possessing alcohol or drugs. This policy shall extend to other students seeking help for the intoxicated student.

The medical amnesty policy does not preclude University or Worcester police from addressing severe violations of the law should they present themselves during the medical intervention/or hospital transport.

Students who are transported and treated for acute drug or alcohol intoxication will be expected to follow up with a university administrator as defined by the conduct process.

Students found to have a significant substance abuse issue may be required to follow up with appropriate support services and take a leave of absence from the University to address this health concern. According to the Code of Student Conduct, students who choose not to attend these follow-up sessions may be held responsible for "noncompliance with University Officials."

Misinformation/Spreading Falsified Information

Clark University prides itself on building a healthy community and a sense of belonging for all students, staff, and faculty. Therefore, any community member who spreads falsified information physically or electrically, such as on social media platforms, violates the student code of conduct and may be subject to sanctioning. These include but are not limited to sharing information on an ongoing investigation or closed investigation of a community member, bullying, and cyberbullying. A good faith reporting of information that later proves to be false would not be considered a violation of this policy if the student made the report to an appropriate staff member

based on a legitimately-held concern (as opposed to merely gossiping with other community members who lack the ability to investigate the concern or effectuate a remedy).

Noncompliance with University Officials

Students are required to comply with reasonable directives or requests from University student staff or University officials acting in the performance of their duties. Noncompliance also includes all acts of dishonesty, including but not limited to personal misrepresentation and knowingly furnishing false information to the University.

Physical Assault

Physical assault or battery is any unwanted physical contact, or threat of communication, with harmful intent or result, by a Clark student against another individual. Physical assault includes, but is not limited to, attempting or committing an act that causes fear of injury; assault with a deadly weapon or with intent to murder, rape, or rob; physical harm against another person; insulting or provoking physical contact, or threatening to commit a crime of violence or to damage another person with harm, verbally or physically.

Responsibility of Hosts

Hosts must be able to account for the whereabouts of their guests at all times, and hosts assume responsibility for their guest's actions and behaviors. Guests must abide by the rules, regulations, and standards of the campus community. Guests may be asked to leave campus at the discretion of a University official.

Retaliation

The University will not tolerate retaliation in any form against any persons for their participation or involvement in the reporting, investigation, and/or resolution. The University will take appropriate steps to prevent and/or address retaliatory conduct immediately. Retaliation includes any acts or words that constitute intimidation, threats, or coercion because of that person's:

- Report of a Policy violation(s);
- Assistance in reporting of a Policy violation(s);
- Participation in any proceeding under the policy; or
- Protest of Policy conduct, and that would also deter a reasonable person from reporting or assisting in reporting a violation of the policy, participating in any proceeding under the policy, or protesting of the Policy.

Smoke-Free Policy

Clark University strives to create a community and atmosphere of mutual respect and wellness, as free from hazards as possible. Issues affecting the health, safety, and well-being of Clark University community members are essential to essential wherever possible. Research findings have clearly shown smoking, and exposing nonsmokers to secondhand smoke, constitutes a significant health hazard. Clark University recognizes its obligation to promote a healthy learning and working environment for the students, employees, and visitors on campus. This shared responsibility will ensure a healthy environment for all of us.

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As of August 18, 2020, smoking of any kind, including any electronic nicotine-delivery system or smoking device, is prohibited for the entire campus community in or close proximity to all facilities, Clark-owned or -leased properties, and areas occupied or controlled by the University. This includes, but is not limited to, all common work areas, elevators, hallways, University-owned or -leased vehicles (including parked on campus grounds), garages, restrooms, cafeterias or dining areas, lounges, conference and meeting rooms, all enclosed areas in the workplace, parking lots, quads, the green, grounds, rooftops, plazas, courtyards, entrance and exit ways, athletic fields, the Athletic and recreation complex, bus stops, and any other areas of the university campus. This policy applies to all faculty, staff, students, alumni, guests, visitors, vendors, and contractors. In implementing and enforcing this policy, common courtesy and consideration toward others should be exercised.

Theft

Students are expected to respect property belonging to other people and the property of the University or its affiliates (e.g., Sodexo). Students must never take possession of another person's property without the express owner's express permission of this policy, including but not limited to theft of University property; larceny from a member of the University community or a campus visit, and intentionally, recklessly, or negligently causing damage to the property of the University or an individual. Students found responsible for theft will be expected to provide adequate restitution and will face appropriate conduct action.

Title IX

Clark University commits itself to providing a campus environment where all students are safe from sexual violence, sexual harassment, and gender (identity or expression) discrimination. Clark believes in the power of a strong community. It is more robust when all students are engaged in relationships based on mutual care and respect in intimate and spiritual settings; Clark expects its community members to practice open communication and effective communication consent.

Title IX of the Education Amendments of 1972 requires all federally funded universities to prohibit sex/gender-based discrimination on campuses, including discrimination based on sex, gender identity, or expression. Title IX applies to all students, faculty, and staff. The language of the statute reads as follows:

No person in the United States shall, based on sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.

Clark University complies with Title IX of the Education Amendments of 1972, 20 U.S.C. Sec. 1681, et seq., and subsequent regulations, which prohibit discrimination based on gender in all programs and activities receiving federal financial assistance. To ensure compliance with Title IX, the President of Clark University designates the Title IX Coordinator as the primary contact responsible for developing, adopting, and assuring the dissemination of the University's



nondiscrimination policy and forcing the policy available to the University community. Please visit the Title IX page to learn more: <https://www.clarku.edu/offices/title-ix/>

Please click [here](#) to submit a Title IX Report