



2024-2025

# **Student Code of Conduct Guidebook**

Office of Community Standards

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## Introduction

### Clark University Mission

*Clark University's mission is to educate undergraduate and graduate students to be imaginative and contributing citizens of the world and to advance the frontiers of knowledge and understanding through rigorous scholarship and creative effort.*

Clark University students are expected to behave in ways that demonstrate their care, respect, and responsibility for all community members' personal dignity, rights, and freedoms. They should also respect University property and the property of others. The ability and freedom to teach, learn, and grow depend on having the right opportunities and conditions in classrooms, residence halls, other campus areas, and the broader academic community. The University has established policies and procedures to safeguard these conditions and maintain a supportive learning environment.

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 community.

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

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

Although expectations for conduct apply to the entire community, the adjudication and related processes in this Code apply only to students.

This Student Code of Conduct is subject to change. The University will review this Code to ensure that it is up-to-date, applicable, and consistent with the University's mission.

### Students' Rights

Clark believes that students possess certain rights along with their responsibilities. These rights value both the individual and the community and provide for student support and protection. At the same time, for students to exercise these rights, they must act responsibly, in accordance with University policies and procedures — including the Student Code of Conduct — and with local, state, and federal law.

- Clark University students have the right to an environment in which the University takes reasonable measures to offer students protection from foreseeable danger.
- Clark University students have the right to an environment conducive to the pursuit of academic requirements and interests.
- Clark University students have the right not to be unlawfully discriminated against by any agent, organization, or member of the Clark University community for reasons of age; creed; (dis)ability; ethnic or national origin; gender, gender identity, or gender expression; marital status; political or social affiliation; race; religion; or sexual orientation.
- Clark University students have the right to express their ideas, thoughts, and opinions, both individually and in the manner of a forum or protest (read the [Protests and Demonstrations Policy](#)), without fear of censure or retribution from members of the Clark University community.
- Clark University students have the right to a reasonable expectation of privacy in their academic, cocurricular, and personal lives.
- Clark University students have the right to access and control access to their educational records as provided in the Federal Family Educational Rights and Privacy Act of 1974, also known as FERPA.
- Clark University students have the right to bring forward a complaint if one has a good-faith reason to believe that it is more likely than not that the rights or responsibilities derived from this document have been violated.
- Clark University students have the right to address all alleged violations of the University's policies and procedures. The University's conduct process follows procedures as defined in the Student Code of Conduct.

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## Use of the Student Code of Conduct

The Student Conduct Officer shall have the discretion to determine the appropriate response and resolution methods, if any (e.g., Community Standards, mediation, formal charges). Determinations will be based on the unique features of the matter.

## Referral to and Cooperation with Law Enforcement

The University may refer violations of law to appropriate law enforcement agencies. Such referral does not preclude University action for the same violations. The conduct process does not determine violation(s) of law. The conduct process is an administrative process that seeks to hold students accountable to minimum behavioral expectations related to the Student Code of Conduct.

## Student Groups and Organizations

Student groups and organizations may face violations of the Student Code of Conduct. A student group or organization and its officers may be held collectively and individually responsible for violations of the Student Code of Conduct. These violations may have been committed by those associated with the group or organization if the member(s) received the consent or encouragement of the group or organization or the leaders or officers of the group or organization. The finding of responsibility may occur if the group or organization knew or should have known about the behavior and failed to make reasonable efforts to prevent it.

The officers or leaders or any identifiable spokesperson for a student group or organization may be directed by the Student Conduct Officer to take appropriate action designed to prevent or end violations of the Student Code of Conduct by the group or organization or to educate the group or organization. Failure to make reasonable efforts to comply with the Student Conduct Officer's directive shall be considered a violation of the Student Code of Conduct by the officers, leaders, or spokesperson for the group or organization and by the group or organization itself.

The officers or leaders of a student group or organization in violation of the Student Code of Conduct will be subject to an alternative resolution, peer conduct meeting, an administrative hearing, or University Conduct Board hearing.

Sanctions for group or organization misconduct may include revocation or denial of University recognition, as well as other appropriate sanctions pursuant to the sanctions outlined in the Student Code of Conduct.

## Definition of Terms

**Advisor:** Designated staff and faculty members who are appointed by the Dean of Students or their designee to assist students through the conduct process. Advisors are trained by Student Conduct and Community Standards staff in the conduct process, but they function as independent advisors for students. Advisors may confer with their advisees but may not actively participate in the conduct process by offering information on behalf of the student.

**Affirmative Consent:** A knowing, voluntary, and mutual decision among all participants to engage in sexual activity. Consent can be given by words or actions if those words or actions create clear permission regarding willingness to engage in sexual activity. Silence or lack of resistance, in and of itself, does not demonstrate consent. The definition of consent does not vary based upon a participant's sex, sexual orientation, gender identity, or gender expression.

The following six principles, along with the above definition, will be used to evaluate whether affirmative consent was given.

1. Consent to any sexual act or prior consensual sexual activity between or with any party does not necessarily constitute consent to any other sexual act.
2. Consent is required regardless of whether the person initiating the act is under the influence of drugs and/or alcohol.
3. Consent may be initially given but withdrawn at any time.
4. Consent cannot be given when a person is incapacitated, which occurs when an individual lacks the ability to knowingly choose to participate in sexual activity. Incapacitation may be caused by the lack of consciousness or being asleep, being involuntarily restrained, or if an individual otherwise cannot consent. Depending on the degree of intoxication, someone who is under the influence of alcohol, drugs, or other intoxicants may be incapacitated and therefore unable to consent.
5. Consent cannot be given when it is the result of any coercion, intimidation, force, or threat of harm.
6. When consent is withdrawn or can no longer be given, sexual activity must stop.

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**Bias Incident:** Any conduct or communication motivated by hatred or prejudice that demeans, degrades, or harasses an individual or group based upon membership 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. Examples include targeting a group or individual, in person or electronically, with hateful conduct that interferes with a person's educational experience or employment, as well as acts of vandalism or graffiti. A bias incident may or may not involve violations of University policies or state or federal law.

**Bias Incident Response Team:** A team of administrators and faculty committed to proactively responding to bias incidents.

**Business days:** Days that University offices are open for business (excluding weekends). Class days and business days may not correspond.

**Confidentiality:** This may only be offered by some individuals — specifically those who are not required by law to report known incidents of sexual assault or other crimes to University officials, in a manner consistent with state and federal law, including but not limited to 20 U.S.C. 1092 and 20 U.S.C. 1681. Licensed mental health counselors, medical providers, and pastoral counselors are examples of University employees who may offer confidentiality.

**Direct Threat:** A communication, from at least one identified individual to another identified individual, that creates or implies a significant risk of substantial harm to the health or safety of another person.

**Distribution:** Any form of sale, exchange, or transfer, regardless of whether money was involved.

**Group:** People associated with each other but who have not complied with University requirements for recognition as an organization.

**Hate Crime:** As defined by Massachusetts General Laws Chapter 22C, Section 32, "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 seeks to interfere with or disrupt a person's exercise of constitutional rights through harassment or intimidation." For purposes of this protocol, all hate crimes are considered a form of bias incident.

Chapter 265 Crimes Against the Person – Section 39 states in relevant part that it is illegal to commit a crime against one's person or property with the intent to intimidate such person because of such person's race, color, religion, national origin, sexual orientation, or disability.

**Hearing:** A formal process conducted by the University Hearing Board or other appropriate hearing officer or body. This formal process is designed to gather and consider relevant information regarding a possible violation of the Student Code of Conduct and to determine sanction(s), if appropriate.

**Target Person(s):** Individuals or groups who believe or perceive that they have been the victim of a bias incident and/or hate crime. Any individual or group can be targeted.

**University Official:** Any faculty, full-time employee, part-time employee, or student employee authorized to issue directions in a given situation.

**Weapon:** Any object or substance designed to wound, cause injury, or incapacitate persons or animals or damage property, including, but not limited to, firearms, ammunition, explosives, other lethal weapons, and chemicals such as Mace and tear gas. Within the provisions of Massachusetts G.L. c. 140, § 131M: Unlawful Possession of an Assault Weapon or Large Capacity Feeding Device, firearms and other dangerous weapons include, without limitation, ability club, blackjack or bludgeon, cane/sword, chukka stick, pistol, revolver, rifle, shotgun, machine gun, switchblade knife, gravity knife, pilum ballistic knife, metal knuckle knife, electronic dart gun, Kung Fu star, electronic stun gun, metal knuckles, sandbag, sand club, wrist-brace type slingshot or slingshot, dagger, dangerous knife, imitation pistol, or any other instrument or weapon. Also included are air guns, spring guns, or any other instrument or weapon in which the propelling force is a spring, air, piston, or carbon dioxide cartridge. A harmless instrument designed to look like a firearm, explosive, or other weapon is expressly included within the meaning of weapon.



## Conduct Process

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

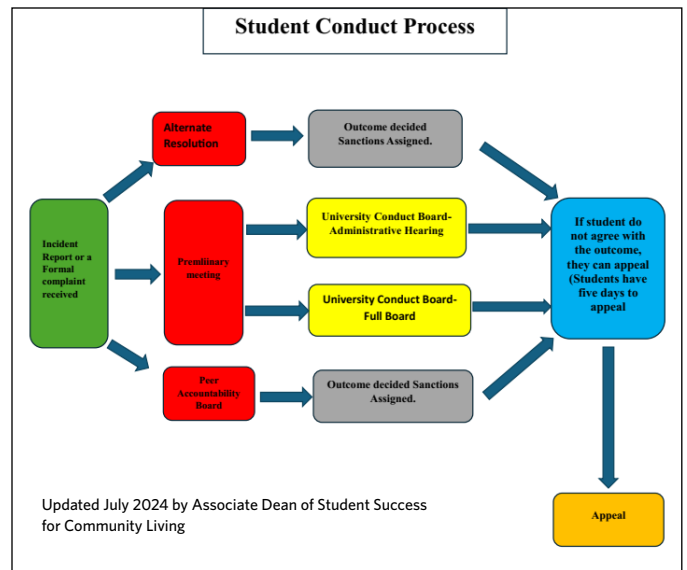
### Invocation of Conduct Action

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 Student Code of 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 OCS 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.

### Alternate Resolution and Preliminary Meetings

Upon receiving a referral of a case for resolution, the Office of Community Standards, under the right of the Dean of Students, will determine that the matter be referred to either an alternate resolution or preliminary meeting (with further processing via an administrative hearing, Peer Accountability Board, and/or University Conduct Board), depending on the severity of the case.

A complaint that involves a violation of the Student Code of Conduct will be handled by the Office of Community Standards as part of the Division of Student Success, except in sexual misconduct cases, which will be referred to the deputy Title IX officer in the Clark University Title IX Office. The University reserves the right to refer students to civil or criminal authorities for action. 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 a hearing officer or a board.



After receiving the report, OCS staff will determine whether it will be processed via an alternate resolution (lower-level cases) or a preliminary meeting (high-level cases).

According to the Student Conduct Process, students have three rights:

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

Whichever meeting type (i.e., alternate resolution, preliminary meeting, or Peer Accountability Board) to which they are referred, the student (respondent) alleged to have violated the policy will receive an email informing them that they need to meet with a staff member.

The meeting will be scheduled when students have no classes (Reminder: OCS has access to students' course schedules, but none of their 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

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 and review any evidence before their meeting. Please email the [Office of Community Standards](#) to schedule a time to come read your report.

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## Alternate Resolution

During a conduct meeting, students can expect the following:

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

After the alternate resolution, the hearing officer will evaluate the information gathered via the report and the meeting to determine if the student is responsible for alleged violations. Using the “preponderance of the evidence” criteria 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 page 10. Alternate resolution meetings are set up to allow the students to discuss and share their own stories of the incident. After the meeting is concluded and the sanction has been assigned, students will accept or deny responsibility.

## Preliminary Meeting

Preliminary meetings are set up to inform students where their case is being referred to be heard — either an administrative hearing or the University Conduct Board.

Cases are referred to these meetings/hearings/boards for a number of reasons:

- 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 and review evidence before their meeting. Please email the Office of Community Standards to schedule a time to come read your report.

Each preliminary meeting will include the following:

1. Reading of the incident report
2. Review of the charges and why these policies are in place
3. Informing the student 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 of the Conduct Review (aka appeals) Process

## Lower-Level Case Referrals

Most of the time, cases do not rise to the level of a student potentially being put on probation and/or dismissed from the University. We call these cases lower-level cases. At the discretion of Office of Community Standards staff, lower-level cases may be referred to one of two options: alternate resolution or the Peer Accountability Board.

## Peer Accountability Board

Students who breach University policies may be subject to the Peer Accountability Board (PAB), which consists of a group of students specially trained to facilitate dialogues. PAB members assist fellow students who have violated the Student Code of Conduct in reflecting on their actions. They engage in meaningful conversations with their peers regarding the violation and its repercussions on themselves and the community.

The Peer Accountability Board (PAB) comprises three students and a non-voting advisor, usually a professional staff member or Community Standards specialist trained to facilitate dialogues. Like the initial meeting, the PCB involves a thorough review of the report and evidence, allowing the responded student an opportunity to present their version of events. During the PCB, board members are permitted to ask the accused questions. At the conclusion of the board meeting, a majority vote is required to hold the student accountable. If the student is found responsible, the Board will impose appropriate sanctions, and the decision will be communicated to the student via email. Students can appeal the decision; additional information can be found on the Conduct Review Process page 8.

Typically, the Peer Accountability Board hears cases involving violations that affect the broader community where students reside. These violations may include, but are not limited to, issues such as quiet hours, roommate conflicts, disorderly gatherings, alcohol violations, and visitation.



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## Higher-Level Case Referrals

Higher-level cases involve students who could be put on probation, suspended, and/or dismissed from the University due to being found responsible for the alleged violations. At the discretion of OCS Staff, higher-level cases may be referred to the Administrative Hearing and the University Conduct Board (UCB). During these processes, a recording of the proceedings will be made. For more information on conduct retention records, visit the OCS website.

Before any of these options, the student will still have a preliminary meeting with a meeting officer to review the report and discuss 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 and review any evidence before their meeting. Please email the Office Community Standards at [community-standards@clarku.edu](mailto:community-standards@clarku.edu) to schedule a time to come read your report.

## Administrative Hearing

The Administrative Hearing comprises 2 members who may be either faculty or staff. This option is provided to students who have already accepted responsibility, or where there is clear evidence of conduct violation by a student that may lead to probation, suspension, and/or dismissal from the University. 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 these circumstances, the student can 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) on page 10.

## University Conduct Board (UCB)

The UCB comprises three members, including faculty, staff, and/or students (note: the preliminary meeting officer is allowed to serve 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 can read the written complaint. In the UCB cases, the respondent can accept responsibility and 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 (e.g., 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 advisor, an individual of the student's choosing from within the Clark community. If the advisor attends the hearing, their name must be shared with the Chair at least 24 hours before the hearing. During the hearing, the advisor's role will be limited to consultation with the advisee.
- During the hearing, only the complainant, the respondent, Board members, approved witnesses, and advisors 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 cooperation of any Clark community member in providing information during the hearing. However, no University staff member with whom the respondent has a legally cognizable privileged/confidential relationship (e.g., therapist, clergy, etc.) can be required to give information arising from that role without the respondent's permission.
- 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 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 Student Code of 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 hearing, information arises indicating a possible violation of another provision of the Student Code of 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.

### Who Can Appeal

Students, student groups, or student organizations found responsible for a violation may appeal decisions arising out of a University Conduct Board and administrative hearing, with the following exception:

- A student or designated student representative who accepted responsibility and accepted the sanction(s) may not appeal after the sanction(s) become effective.

### Grounds for Appeal

There will not be a rehearing of the case but an appeal will be considered based only on the appealing party's substantiated claim of one or more of the following:

1. A procedural error significantly impacted the outcome (e.g., substantiated bias, material deviation from established procedures, etc.). This error must be described in the letter requesting an appeal. Minor or harmless deviations from the process will not invalidate the proceedings.
2. The discovery of relevant added information that was unavailable during the original process but has since become available and could impact the outcome. A summary of this new evidence, why it was previously

unavailable, and its potential impact must be included in the request for appeal.

3. The sanction imposed is not appropriate for the violation.

Under these circumstances, the student will have the opportunity to appeal the decision to the Associate Provost and Dean of Student Success or their designee via the Conduct Review Process. To learn more, visit the Appeals process on page 10.

### Appeal Agent

The Associate Provost for Student Success and Dean of Students, or designee, will determine whether an appeal request is granted. The Associate Provost and Dean of Students have the right to decide on the outcome of the appeal or send the appeal to an appeal agent for further consideration. Faculty and administrators appointed to serve on the University Conduct Board shall simultaneously serve in a pool to function as an appeal agent. An appeal agent shall be responsible for deciding on a granted appeal request. No member shall be eligible to serve as an appeal agent for any case on which that member served on the University Conduct Board.

### Student Status Pending an Appeal

Should an appeal request be granted, sanctions that were imposed shall be held in abeyance pending the conclusion of the appeal process, with the following exceptions:

1. The student was suspended on an interim/emergency basis.
2. The student is determined to be a threat to themselves and others or the stability and continuance of normal University functions, per this Code.

### Appeal Process

Requests for appeals must be submitted in writing (via an [online appeal form](#)) to the Associate Provost for Student Success and Dean of Students or designee within three to five business days of receipt of the letter notifying the appealing party of the original decision. Failure to request an appeal within the allotted time will render the original decision final. The appeal request shall be submitted via the online form on the Student Conduct and Community Standards website. A link to the appeal form will also be in the student's outcome letter.

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The Associate Provost for Student Success and Dean of Students, or designee, will consider the appeal request using the Grounds for Appeal.

1. If the Associate Provost for Student Success and Dean of Students, or designee, determines that the appeal request has established allowable grounds for a review of the matter, the Associate Provost and Dean of Student Success, or designee, shall assign the case to an appeal agent.
2. If appropriate grounds have not been established, the Associate Provost for Student Success and Dean of Students, or designee, shall deny the appeal without any further proceedings.

The Associate Provost for Student Success and Dean of Students, or designee, may request clarification of one or more parts of the appeal to determine whether appropriate grounds have been established.

Any appeal request granted by the Associate Provost for Student Success and Dean of Students can be reviewed and deliberated on the outcome or forwarded to an appeal agent within three business days of the Associate Provost for Student Success and Dean of Students granting the appeal request.

The appeal agent shall conduct a document review of the following:

- The appeal requests.
- The case information.
- Any new information provided by the appellant.

The appeal agent may, at their discretion, contact any person who participated in the original hearing and any newly identified witnesses, subject to the parameters of Grounds for Appeal above.

### **Appeal Outcome**

The appeal agent may find that:

- The appeal does not have sufficient merit regarding the grounds listed above. In this case, the finding stands, as does the sanction.
- The original hearing or resolution conference process contained improprieties that substantially affected the case's outcome. In this case, the matter will normally be returned to the original hearing body or person to reopen the hearing with instructions for further proceedings. The appeal agent may require a new hearing or conference in unusual cases.

- There is relevant added information that was not available at the time of the original hearing or conference. In this case, the matter will normally be returned to the original hearing body or person for consideration.
- The sanction is clearly inappropriate. In this case, the appeal agent may, at their discretion, refer the matter back to the original hearing body or person or modify the sanction.

The outcome of the appeal shall be communicated in writing to the appellant within seven to ten business days after the appeal agent concludes their deliberations.

### **Conduct Records**

An electronic file and 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.
- Conduct officers or hearing board members will have access to appropriate files through the chair.
- The respondent in this case shall have access to their records and documents accepted as evidence.
- If an appeal is made, the entire case file will be made available to the Associate Provost and Dean of Student Success 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.

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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 Student Code of 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 they go through the conduct process.

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***

Disciplinary probation is formal notice that a student's status at the University is jeopardized due to one or more violations of the Student Code of 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. Student should be aware that disciplinary probation also may affect their eligibility to study abroad.

#### ***Disciplinary Warning***

Disciplinary warning is a letter to a student indicating that they are being held responsible for violating policy in the Student Code of Conduct. This sanction will be in effect for a specified period. Should the student again be found violating the Student Code of Conduct during this sanction period, the Dean or dean's designee may impose an additional sanction to reflect a repeated offense.

#### ***Dismissal from the University***

Dismissal from the University is 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 or their designee and after compliance with any other parameters imposed due to the dismissal. Reinstatement of 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***

Expulsion from the University is permanent dismissal from the University without financial reimbursement and without 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

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- Relocation to another campus residence
  - Removal from University housing without financial reimbursement and with 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, 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 or organization 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 Associate Provost for Student Success 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**

Stayed Disciplinary is a letter to a student indicating that they are being held responsible for a violation of policy in the student code of Conduct, but that enforcement of any sanction is being suspended if 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**

Suspension from the University is 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 violation's severity. These warnings are documented so that the OCS has a record of what took place.

### **Written Warning**

A written warning is a letter to a student indicating they are responsible for a violation of policy in the Student Code of 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.

## **Alcohol and Drug policies**

### **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 bongs. 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.

### **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., bongs, pipes, etc.), including the improper use of prescription drugs. A student determined to have recently used, been under the influence of, or been using illegal drugs may be found in violation of this 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, depending on the nature and circumstances of the incident, unless it's 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.

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 to discuss the use or storage of marijuana and/or related paraphernalia on campus or on University-owned property.

### **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.

### **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 wherever possible. Research findings have clearly shown smoking, and exposing nonsmokers to secondhand smoke, constitutes a significant health hazard.



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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.

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 in 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 while 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. Common courtesy and consideration toward others should be exercised in implementing and enforcing this policy.

## General Behavior

### Abuse of Property

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

### Appropriate Use of Clark's Technology Systems

Clark has an Appropriate Use Policy (AUP) to protect 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.

### 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.

### 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. View Appendix A: Reporting a Bias Incident for more information.

### Censorship of Media

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

### Community Values

Our community guidelines at Clark University are based on values and a dedication to promoting a learning environment free from harassment and intimidation. Each member of the Clark community plays a crucial role in upholding these values. We encourage all of you to avoid using slogans, clichés, or behaviors that contribute to feelings of uneasiness. When we encounter concerning remarks, we address them as an institution. We thoroughly

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investigate each incident. Furthermore, we promptly remove any language once it is brought to our attention. Students or student organizations found violating these shared community values will be held accountable through the conduct process.

### **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)
- 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-canon-academic offices, laboratories, and campus departments. Departmental policies are available in this document, on individual websites, and/or in specific offices.

### **Disorderly Conduct**

Disorderly conduct is defined as violent, abusive, indecent, profane, or inappropriate harmful and/or damaging conduct or language. These behaviors are unreasonable at the time of their occurrence and interrupt teaching, research, administration, community living, hearing proceedings, and/or other activities. This includes but is not limited to disruptive behavior in all University physical and online spaces, including on and off campus.

### **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, to physically obstruct their movement, or to otherwise interfere with academic freedom.

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

### **Doxing**

Doxing, defined as publicly sharing private or identifying information about an individual without their consent, is strictly prohibited. This includes the unauthorized sharing of private or sensitive information. This information can include, but is not limited to:

- Full name
- Home address
- Phone numbers
- Email addresses
- Social Security numbers
- Personal photographs
- Bank account details
- Workplace information
- Other personally identifiable information

### **Prohibited Actions**

Any student or student organization found to be engaging in doxing activities will face disciplinary action. Prohibited actions include:

- Sharing private information about an individual without their consent.
- Encouraging others to dox an individual.
- Using University resources (e.g., computers, networks) to facilitate doxing.

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### **Consequences for Doxing**

Students or student organizations found responsible for doxing will face disciplinary actions, which may include:

- Warning or reprimand
- Mandatory educational activities on privacy and digital citizenship
- Probation or suspension of the student organization's activities
- Temporary or permanent suspension from the University
- Other sanctions deemed appropriate by the Office of Community Standards

### **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 and the Study Abroad "Statement of Responsibility and Release of Liability" contract. Students participating in an away or abroad program are expected to follow their host programs' academic and behavioral expectations. If scheduled for disciplinary action by their host programs, University charges that illegalize academic integrity violations abroad and/or away will also be reviewed by the Office of Community Standards. Clark's typical sanctions may apply.

Students should be advised that removal from a study abroad or away program, or the revocation of admission into a similar program under these conditions, may have financial implications for which they will be held responsible. Costs may include payments made by the student in preparation for their travel and nonrefundable deposits paid to or by the University and study abroad programs.

### **Forgery and Unauthorized Duplication**

The forgery, alteration, or unauthorized possession or use of official documents, records, and identification instruments (i.e., Clark credentials) is prohibited. 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 violates the Student Code of Conduct and will be subject to conduct sanctions.

### **Clark University Harassment and Discrimination Prevention Policy**

Clark University prohibits harassment and discrimination based on (but not limited to) age, race, color, national origin, religion, gender, sexual orientation, marital status, disability, and veteran status. This policy extends to all programs and activities, including admission, education, employment, and athletics.

### **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 [their] 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 bias incident.

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[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, that 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,](#) 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 (see responsibility of hosts policy) 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 Dumping**

To maintain a clean, safe, and environmentally responsible campus, Clark University prohibits illegally dumping waste materials on school grounds or in surrounding areas.

Illegal dumping refers to the unauthorized disposal of waste materials, including but not limited to household garbage, construction debris, hazardous substances, and electronic waste, in non-designated areas.

### **Joint Responsibility**

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

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 Student Code of 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 electrotonically, 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).

### **Mutual Combat**

Mutual combat is defined as fighting in which both parties have contributed to the situation by verbal and/or physical action. It differs from assault as there is no clear aggressor.

### **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.

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## Political activity guidelines

Clark University has established guidelines for all its members to ensure everyone exercises their freedom. These guidelines outline the use and limitations of University facilities and resources for campus employee activities. Due to its tax status, Clark University is bound by regulations prohibiting it from engaging in or attempting to influence political campaigns or initiatives. The University cannot endorse candidates, offer support for organizations, or establish action committees. However, exceptions are granted for lobbying activities permitted under the law by the authoritative Office of Government and Community Affairs and for programs that promote learning opportunities. [Read Clark's political activity guidelines.](#)

## Responsibility of Hosts

Hosts must be able to always account for the whereabouts of their guests, 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 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.

## Theft

Students are expected to respect property belonging to other people and the property of the University or its affiliates (e.g., Harvest Table). Students must never take possession of another person's property without the 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 and sex-based discrimination and harassment, which includes but is not limited to discrimination and harassment based on gender identity and expression. 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. To file a report please contact the Title IX Coordinator, Brittany Brickman, by email ([title-ix@clarku.edu](mailto:title-ix@clarku.edu)), by phone (508-793-7194), or in person in ASEC 315. View Appendix B: Title IX for more information.



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## Endangerment, Threatening Behavior, or Intimidation

Definition: Intentionally or recklessly endangering, threatening, or causing reasonable apprehension of physical or mental harm to any person.

This section also includes stalking or harassing behavior that includes, but is not limited to, threatening language, bullying, and/or physical, verbal, or written intimidation, including cyber harassment. The behavior in question is typically such that, if left unaddressed, the person would be denied the ability to participate in or benefit from some educational or other experience.

### **Fireworks**

The use or possession of fireworks is prohibited.

### **Provoking Others to Misconduct**

Definition: Knowingly helping or encouraging violations of the Student Code of Conduct.

## Violation of Disciplinary Sanction

Definition: Knowingly violating terms of any disciplinary sanction imposed in accordance with this Code.

## Weapons

The unauthorized use, possession, or storage of any weapon, whether a federal or state license to possess it has been issued to the possessor, is prohibited. Persons who are licensed and obligated to carry firearms should obtain written permission from the Chief of Police at Clark University. The possession of the facsimile of a weapon or use of a facsimile weapon is prohibited.

## Student Organization Conduct Standards

At Clark University, we are dedicated to fostering a safe and healthy living and learning environment for all. We firmly believe that student organizations, as vital components of our community, have a significant part to play in this. Any behavior that deviates from the Student Code of Conduct, whether by individual students or collectively by student organizations, is addressed through an educational hearing process called the restorative practice. This process is about imposing consequences and promoting safety and good citizenship, underscoring the crucial role of student organizations in our shared environment.

### **Student Code of Conduct and Organizational Responsibilities**

The Student Code of Conduct applies to both individual students and student organizations. The Student Organization Conduct Standards, a subsection of the Student Code of Conduct, ensure that all student organization officers and members:

- Acknowledge and accept responsibility for their actions and those of their members, alumni, and guests.
- Understand the responsibilities associated with official University recognition.

### **Purpose of the Conduct Standards**

The Student Organization Conduct Standards are designed to:

- Protect the rights of recognized student organizations.
- Ensure accountability for violations of University policy.
- Guarantee due process in the adjudication of complaints concerning student organizations.

Additionally, student organizations must adhere to Office of Student Leadership and Programming policies.

### **Member Responsibilities**

The University expects student organization members to:

- Be good citizens and engage in responsible behaviors.
- Positively represent their student organization and the University.
- Treat others civilly and contribute constructively to student life.



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Members are responsible for their conduct individually and collectively when acting as part of a student organization. Organizations may be held accountable for the misconduct of their leaders, members, representatives, or guests. Individuals acting as part of a student organization may be referred to the Office of Community Standards for adjudication of their behavior alongside the organization's accountability under the Student Organization Conduct Standards.

### Application of Standards

Student organizations may be held accountable for violations when any of the following conditions apply:

- The violation was sanctioned by an officer of the organization or known to officers beforehand.
- Organization funds financed the venture.
- The organization substantially supported, sponsored, or endorsed the violation.
- The violation occurred during or was related to any student organization-sponsored activity.
- Members knew of the violation and did not attempt to prevent it.
- The organization failed to report the incident or chose to protect its members.
- A reasonable person would understand the behavior to fall within the organization's activity scope.
- The violation demonstrated a pattern of misconduct by organization members.
- The behavior undermined the University's reputation, integrity of the educational process, or community safety.

### Conduct Process

The Office of Student Leadership and Programming oversees all registered student organizations, including club sports. A representative from the Office of Community Standards, in partnership with the Office of Student Leadership and Programming, coordinates adjudication of misconduct.

Responsibility determinations are based on a preponderance of the evidence (whether it is more likely than not that the student organization violated University policy). Records are maintained according to the University's retention schedule.

### Policies

Student organizations must be aware of possible infractions found within the documents below:

- Student Leadership and Programming Policy or Procedure Violation: Policies governing student organizations are published yearly and [accessible online](#).
- Student Code of Conduct Policy Violation: The University identifies unacceptable behavior in the Student Code of Conduct and holds individual students and organizations accountable.
- Federal, State, or Local Law Violation: Violations may lead to University charges and criminal or civil court actions.

### Procedures

The Student Organization Conduct Standards process includes the following steps:

1. Incident Reported: Reports are filed with the Office of Community Standards, which informs the Office of Student Leadership and Programming.
2. Investigation: An investigation gathers information to determine whether the incident report has merit.
3. Student Organization Charged: If merit is found, the organization is notified, and an initial conversation is scheduled.
4. Meeting or Hearing: The adjudication type is determined based on the investigation.
5. Sanction Process: If responsible, appropriate sanctions are determined.
6. Decision Shared: Outcomes and sanctions are communicated to the organization.

**Appeal:** The organization may appeal the decision based on new information, procedural error, or severity of sanctions. See page 10 for the Appeal Process.

### Interim Conduct Action

In significant violation cases, the University may impose interim measures, including suspension from the University or residence, prohibition of activities, suspension or dissolution of a club or organization, or prohibition of using University facilities.

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## APPENDIX A: Reporting Bias Incidents

### Bias Incident Reporting Procedures

Clark University values diversity, inclusion, and an environment free from discriminatory conduct. The University embraces diversity of all kinds and is committed to providing a safe, respectful, educational, and work environment free of harassment and intimidation for all Clark community members. Clark's Bias Incident Response Protocol is designed to provide information about reporting bias incidents and/or hate crimes and to outline the procedures the University will follow in response to reported incidents.

Clark takes seriously all acts of bias and/or hate of which it becomes aware. To that end, the University will respond appropriately by supporting the target(s) of such acts. The response includes assessing reports, conducting an investigation, referring to the appropriate department(s) that may initiate a conduct process, and advising the Clark community of the occurrence when appropriate.

### Reporting Incidents

Any member of the Clark community who witnesses, experiences, or has information regarding a bias incident should immediately report the incident. In the case of a hate crime (see definition in the section above), University Police may be involved in accordance with Massachusetts General Law.

Reporting is important even if the offending party(ies) cannot be identified. All reports should include the following information or as much detail as possible:

- Detailed account of the incident, including date, time, and location
- Name of each person involved, including witnesses
- Description of what you observed and what was said to the best of your recollection, including any specific language or terms that were used
- Name(s) of alleged perpetrator(s) or a detailed description of the individual(s) involved
- Other pertinent information that may assist Clark University in responding to the incident

Any physical evidence should not be removed, altered, or tampered with until University Police can respond.

The preferred method of reporting is through the online [Bias Incident Report Form](#). When you submit using the form, all members of the Bias Incident Response Team will receive your report and will act on it quickly. If you, or someone else, is in imminent danger, you should contact University Police at 508-793-7575 instead of completing the online form.

Reports may also be given to these members of the Bias Intervention Response Team:

- Kamaro Abubakar, Associate Dean of Student Success for Community Living  
[Kabubakar@clarku.edu](mailto:Kabubakar@clarku.edu)
- Kamala Kiem, Dean of Students  
[kkiem@clarku.edu](mailto:kkiem@clarku.edu)  
508-793-7198
- Randi Nichols, Chief Human Resources Officer  
[RaNichols@clarku.edu](mailto:RaNichols@clarku.edu)  
508-793-7643
- John Magee, Dean of the College  
[jmagee@clarku.edu](mailto:jmagee@clarku.edu)  
508-793-7558
- Lauren Misale, Chief of Police  
[lmisale@clarku.edu](mailto:lmisale@clarku.edu)  
University Police  
508-793-7795

### Confidentiality

Clark is committed to protecting the privacy of all individuals involved in a report of a bias incident. Every effort will be made to preserve the confidentiality of the individuals targeted and to maintain the confidentiality requested by the reporting party. Any reported incident's outcome will consider the parties' confidentiality.

### Protocol Response

In all instances where bias incidents are alleged, the totality of the circumstances will be evaluated, considering the nature, severity, and duration of the acts and the impacts upon the targeted person(s).

This protocol should be implemented whenever a bias incident is reported or suspected to have occurred on the Clark campus and/or in our educational or cocurricular programs. Implementation of this protocol will serve as a mechanism to monitor the campus climate and respond to and prevent acts of bias and hate.

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The Clark University Bias Incident Response Protocol shall be interpreted and implemented in a manner consistent with Clark's commitment to academic freedom as described in the faculty handbook.

Upon receipt of any report alleging a bias incident, the Bias Incident Response Team will convene to review and respond to reported incidents. The team will meet as soon as possible but no later than one week following the receipt of the report. The team will assess the report, investigate, and determine the appropriate measures to be taken. Such measures may include, but are not limited to: making a record of the incident, communicating the incident to the Clark community, pursuing disciplinary action through the student conduct or employment process, referring the matter to the relevant office for appropriate action, offering conflict resolution options, and reporting to appropriate internal departments and outside agencies.

In the event the nature of the incident warranted communication with the Clark community, the Bias Incident Response Team will also provide follow-up communication to inform the community regarding the outcome of the investigation and the University's response to the incident.

The Bias Incident Response Team's processes do not create a new category of prohibited behavior or a new process for University community members to be disciplined or sanctioned. The Bias Incident Response Team cannot discipline any student or employee. Bias incidents that violate the University's Student Code of Conduct will be referred to and addressed through the University's student judicial process. Reports of biased incidents involving staff or faculty will be referred to Human Resources or the Office of the Provost as appropriate. The University may refer to the criminal courts any bias incident that violates Massachusetts law. Bias incidents that violate neither the law nor University policies will be addressed by an educational response that may include conflict resolution led by the Bias Incident Response Team.

