Student Code of Conduct 2019-2020
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SECTION 1: INTRODUCTION

Simmons University is a community founded on the values of respect, integrity, inclusion, honesty, and trust. The Student Code of Conduct is our guide to expectations of behaviors by our students and by student organizations. When violations of the Code of Conduct occur, Simmons University’s policies and procedures inform our responses. Behavior inconsistent with the Code of Conduct is typically addressed through an educational conduct process designed to develop critical thinking, sound judgment, good citizenship, and promote overall well-being.
The Student Code of Conduct and the conduct process apply to individual students, student organizations, and both undergraduate and graduate students, whether the incident occurred on or off campus, or the Simmons student is enrolled in a program on campus or online. In addition, incidents that occur during study abroad programs fall within this jurisdiction. Simmons students are responsible for reading and understanding the expectations in the Code of Conduct. By enrolling at Simmons University, students voluntarily agree to comply with the standards of performance and behavior described in the Student Code of Conduct.

The Code of Conduct also applies to students who take a leave of absence voluntarily or involuntarily, those who withdraw, or those who have recently graduated. Simmons can investigate alleged misconduct for these populations. If sanctioned, (see Definitions, page 21) a hold may be placed on the student’s ability to re-enroll, or on their transcripts. All sanctions must be satisfied before re-enrollment eligibility. In the event of serious misconduct committed while still enrolled, but reported after the accused student has graduated, the University may invoke these procedures; if the former student is found responsible for the behavior, the University may revoke the student’s degree; examples of this include cheating or falsifying information.

Our Code of Conduct applies to behaviors that take place on the campus, on University owned or leased property, and at University sponsored events, and may also apply to off-campus events when the Dean of Students or designee determines that the off-campus conduct affects a “substantial University interest.” (Examples include off-campus events such as Soiree and Commencement.) A substantial University interest is defined as:

1. Any situation where it appears that the student’s conduct may present a danger or threat to the health or safety of the individual or organization.
2. Any situation that significantly impinges upon the rights, property or achievements of self, others, or significantly breaches the peace, and/or causes social disorder.
3. Any situation detrimental to the educational mission and/or interests of the University.

The Code of Conduct may be applied to all behavior conducted online, via email or electronic medium. Students should also be aware that online postings on learning platforms, the web, and social media could be brought to the attention of the University as violations of the Code of Conduct.

The Code of Conduct applies to guests of students whose host may be held accountable for the misconduct of their guest(s).

Anonymous complaints are not permitted since it hinders the University’s ability to investigate and respond to a complaint.

There is no time limit on reporting violations of the Code of Conduct, however, the longer someone waits to report an offense, the harder it becomes for University officials to obtain information and witness statements and to make the determination regarding alleged violations. Those who are aware of misconduct are encouraged to report it promptly by completing the Non-Academic Incident Report Form and/or to Simmons Police and Public Safety. The Student Code of Conduct will work in conjunction with other University policies, including but not limited to: University Student Handbook, Residence Hall Policies, Academic Integrity Policies, as well as policies and procedures governing campus offices, the library, learning centers, and laboratories.
SECTION 3: VIOLATIONS OF THE LAW

Simmons students are expected to abide by the rules, regulations, and policies of the institution, as well as city, state, and federal laws. Violation of laws of any jurisdiction (see Definitions, page 21), whether local, state, federal, or abroad may also be processed through the conduct process contained in this Code, regardless of the status or outcome of any criminal proceeding. When the University has jurisdiction over an offense, the University conduct process will typically go forward. Students should not expect that our conduct process will be postponed until after one or more criminal proceedings occur. In addition, Simmons has the right to change a student’s status or proceed on the conduct process at any time.

Simmons University also retains the right to exercise its authority of interim suspension upon notification that a student is facing a criminal investigation and/or complaint.
SECTION 4:
STUDENT ORGANIZATIONS & STUDENT LEADERS

Student organizations (including clubs, intramurals, and athletic teams) may be charged with violations of this Code or University Policies. The officers, leaders, and members of a student organization, as well as the organization as a whole, may be subject to discipline under the Code when its members, officers, or leaders commit violations with sponsorship from the organization. The officers, leaders, or any spokespersons for a student organization may be directed by the Assistant Dean of Community Standards or designee to take action to prevent or end violations by members, officers, or leaders acting with sponsorship from the organization. Outcomes for organizations may include loss of all privileges, including University recognition, for a specified period of time, revocation of funding, involuntary dissolution, as well as other appropriate educational outcomes. Student leaders who contributed or knew of any violations may have their leadership status revoked or be terminated entirely from the club or athletic team.
SECTION 5: THE RULES: BEHAVIORAL EXPECTATIONS & WELFARE

Simmons University is committed to maintaining a safe and healthy campus environment for all students, staff, faculty, and visitors. How students choose to conduct themselves affects those who also study, live, and work at Simmons. Simmons students should conduct themselves with personal integrity and respect the rights, differences, and dignity of others (in person and online). When you join the Simmons community, you agree to act responsibly, to protect your own well-being, and to support the well-being of others. Our ultimate goal is to graduate students who demonstrate empathy, sound judgement, good citizenship, and cultural awareness.

What follows below are our expectations for all Simmons students. This catalog of behavioral expectations should not be considered all-inclusive; some behaviors not listed here may nonetheless be inconsistent with the expectations we set for Simmons students and therefore be violations of the Simmons Code of Conduct. Students who claim they are unaware of the Code of Conduct will not be excused from violating it or upholding it. When in doubt, ask for advice or information from the Office of Student Affairs, the Assistant Dean of Community Standards, or trained conduct peer ambassadors/hearing officers.

ACADEMIC INTEGRITY. All members of Simmons University have committed themselves to making choices that reflect personal integrity and responsible behavior. Each student is responsible for presenting work of their own creation and refraining from representing others’ work as their own. Cheating, plagiarism, unauthorized collaboration, and other forms of academic dishonesty are considered as an academic integrity violation and a breach of the Simmons Code of Conduct. It is the responsibility of the professor and students in a particular class to clarify specific applications of the Statement on Cheating and Plagiarism. In such cases, if the student is found responsible and the sanction could be suspension and/or dismissal from the program and/or the University, the case should be referred to the Director of Academic Integrity. Cases related to fraud or forgery; facilitating academic dishonesty by others; unauthorized test possession, purchase or supplying; or unauthorized interference with, modification of, or destruction of the work or intellectual property of another member of the University should also be reported to the Director of Academic Integrity. However, the majority of academic integrity cases will be handled by the faculty and/or dean and department chairs.

Selling or distributing lecture notes, handouts, readers, or other information provided by an instructor, or using them for commercial purposes without the express permission of the instructor, is an academic violation and not allowed. Violating any other explicit regulation announced by the instructor and/or circulated in writing to each student at the beginning of the semester may also be considered an academic integrity violation.

A. Cheating is defined as the representation of someone else’s work as another person’s own. Examples of cheating include but are not limited to:

- Copying another person’s test, paper, or report.
- Collaborating, including a) working with another person or persons in the execution of a test, report, or paper without authorization to do so; and b) discussing a test, report, or paper.
Using notes brought into class for use during an exam without authorization.

Using books, class notes, or other source material during an examination without authorization.

Presenting online information as one’s own work and/or without proper attribution.

Committing laboratory violations except where collaboration is permitted or special regulations come from the instructor; all work for which credit is sought must be performed by the individual student. The unauthorized use of old lab reports is a violation of the Code. Where procedures are not clear, it is the responsibility of the student to ask their professor.

Submitting the same paper, or substantial parts thereof, in more than one course, without the consent of the professor.

Online collaborations are not permitted; unless specifically allowed by the professor, all online work must be performed by the individual student. Tampering with, or unauthorized reading of, files belonging to other individuals are violations of the Simmons Honor Code. Where procedures are not clear, it is the responsibility of the student to ask their instructor.

**B. Plagiarizing** is defined as intentionally or unintentionally using someone else’s words or thoughts without giving proper credit. All work for which a source is not cited is assumed to be the sole product of the author, i.e., the student. Examples include, but are not limited to:

- Handing in as their own work a paper whereby the student has received extensive aid with substance and/or structure, as well as using one paper for more than one course without authorization to do so.
- If using material from outside reading, reference material, etc., the student must indicate the source by using footnotes or other devices. Direct quotations must be enclosed in quotation marks.

The use of term papers or other work obtained from commercial or other services is a clear case of plagiarism and specifically prohibited.
ALCOHOL AND PROHIBITED SUBSTANCES.
Simmons University, through its programs and activities, is committed to creating an environment that promotes and reinforces healthy, responsible living, and respect for community laws and campus regulations.

A. Alcohol Policy. The legal drinking age in Massachusetts is 21. Alcohol for purposes of this policy includes beer, wine, and liquor of all varieties (such as hard lemonades, hard cider, vodka, gin, bourdon, whiskey, and schnapps). The following acts are illegal and violate the Simmons Code of Conduct:

- Possessing, transporting, or carrying alcoholic beverages if you are under 21.
- Arranging for delivery of alcohol to the Simmons campus, including residence halls, even if the purchaser is over 21.
- Giving, providing, or supplying alcohol to a person under 21.
- Allowing a person under 21 to possess alcohol in your room.
- Purchasing, attempting to purchase, or making arrangements to purchase alcohol if you are under 21.
- Making, using, selling, or distributing a false ID to facilitate buying alcohol for yourself (if you are under 21) or for other minors.

Kegs, beer bongs, beer balls, and other rapid consumption devices are never permitted on Simmons property.

Public intoxication by Simmons students or their guests and visitors is unacceptable.

B. Other Drug Policy (Prohibited Substances). The possession, sale, manufacturing, or distribution of illegal substances, dangerous substances, including illegal prescription medications and drug paraphernalia, is strictly prohibited. Water pipes, vape pens, E-Cigarettes, and Hookahs are not allowed on Simmons premises, affiliated buildings, or events. Although the Commonwealth of Massachusetts has approved legislation to legalize recreational use of marijuana by people at or over the age of 21, Simmons University must abide by federal law to remain eligible for federal funding, including student financial aid.

- Federal law prohibits marijuana use, possession, and cultivation at educational institutions and on the premises of other recipients of federal funds. The use, possession, consumption, or cultivation of marijuana is not allowed; this policy also includes medical marijuana.
- This policy also includes the prohibition of marijuana and other drugs on campus, at Simmons sponsored activities, and University-affiliated property.
- Students who are in the presence of an alcohol or drug policy violation are responsible for either confronting the policy violation or removing themselves from the situation. Simmons students are expected to be active bystanders and intervene if assistance is needed. This policy does not preclude disciplinary action by state or local authorities.

C. Medical Amnesty Policy. The following policy has been established to eliminate barriers for students needing help during medical emergencies involving drug or
alcohol consumption. No Simmons student seeking medical assistance for an alcohol or drug-related emergency will be subject to the regular conduct process for the violation of possessing or using alcohol or drugs. If a student witnesses a drug or alcohol emergency, or is a member of a student group that witnesses a drug or alcohol emergency, they are expected to call for help for those in distress.

Students or student organization members sponsoring an event, must remain with the student experiencing the medical emergency until medical assistance arrives. If a student or student organization does not seek help for a student in need or does not complete educational sanctions (see Definitions, page 21), then this policy is voided and disciplinary follow up will occur.

This amnesty policy does not apply to students who are experiencing an alcohol or drug-related emergency who are found by Simmons employees (police, residence life staff, staff, etc.).

This amnesty policy is not intended to shield or protect students or organizations who repeatedly violate this Code of Conduct. When repeated violations occur, Simmons reserves the right to take disciplinary action regardless of the manner in which the incident was reported. Medical amnesty does not apply to other conduct violations including sexual assault, physical violence, damage to property, or lewd or disruptive behavior.

**BULLYING & CYBER-BULLYING** is a violation of the Code of Conduct.

**A. Bullying** is defined as the use of a written, verbal or electronic expression, and/or a physical act or gesture or any combination directed at a victim that:

- Causes physical or emotional harm to the victim or damage to the victim's property
- Places the victim in reasonable fear of harm to self or of damage to property
- Creates a hostile environment for the victim
- Infringes on the rights of the victim
- Materially and substantially disrupts the education process or the orderly operation of the University

**B. Cyber-bullying** is defined as the use of technology or any electronic communication, which shall include, but not be limited to, any transfer of signs, signals, writing, images, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photo electronic, or photo optical system, including, but not limited to, electronic mail, internet communications, instant messages, or facsimile communications. Cyber-bullying also includes:

- The creation of a web page, social media accounts, online videos, and/or blog in which the creator assumes the identity of another person or does so without the other's consent.
- The knowing impersonation of another person as the author of posted content or messages, if the creation or impersonation creates any of the conditions noted in the above definition of bullying.
- Cyber-bullying shall also include the distribution by electronic means of a communication to more than one person or the posting of material on an electronic medium that may be accessed by one or more persons if...
the distribution or posting creates any of the conditions above.

- Students bullying, or cyberbullying staff/faculty is also prohibited.
- Doxing, which is searching or tracing someone and publishing private or identifying information with malicious intent, is not allowed.
- Also, see Harassment and Gender-Based Violence, page 12.

DANGEROUS BEHAVIOR, ABUSE OF SELF, ABUSE OF OTHERS, AND VIOLENCE. Simmons expects that all students—graduate or undergraduate—will not engage in behavior that endangers their own sustained effectiveness or that has serious ramifications for their own physical and mental health, safety, welfare, academic well-being, professional obligations, or for that of others.

If a student is perceived as a threat or harm to themselves, the University has the right to identify and impose measures to support the student’s well-being.

It is a violation of the Simmons Code of Conduct to abuse or harm others. To abuse another is to engage in threats to harm another or to assault another (see Threatening Behaviors, page 16).

All forms of violence violate our Code of Conduct. Violence is unacceptable at Simmons and will be investigated and addressed when it is reported.

- Violence is the use of a knife or gun or other dangerous weapon on another.
- Violence is brawling, slapping, jabbing, spitting, shoving, hair-pulling, and pushing others into walls, doors, or closets.
- Violence is restraining another against their will or creating fear that they cannot leave the immediate area without concern for their own safety.
- Violent acts are most often intentional, but sometimes unintentional acts can also cause harm and may be investigated and addressed under this Code.

AN ACT OF VIOLENCE may also be referred to the University’s Threat Assessment Team (TAT) for evaluation and response. A referral to the TAT team may result in immediate removal from classes, campus housing, campus employment, study abroad program, clinical placement, and/or the revocation of other University privileges.

Forms of violence may be referred to the Boston Police Department (or other applicable governmental police force) and subject to criminal charges.

DISHONESTY/FRAUD/FORGERY. Falsification or fabrication of data or information for an assignment, on a test or exam, or in an experiment, is a violation of the Code of Conduct. Other forms of dishonesty, fraud, or forgery include, but are not limited to:

- Falsifying or fabricating data or information in conjunction with an experiment for academic credit or a presentation at a conference.
- Falsifying reported hours worked at a clinical setting, internship, externship, assistantship, fellowship, or other workplace when the work assignment is a requirement of your academic program.
- Falsifying medical documentation to secure an excused absence or to support a request for an accommodation.
- Making a false report of a bomb or other type of incendiary device.
- Alteration or misuse of an official document or academic record (submitting a false or incomplete transcript).
- Forgery of University or other official documents.
- Impersonating a faculty or staff member.
- Employing false information in support of a request for special consideration from University officials.
- Knowingly providing false or misleading information to a University official.
DISRUPTIVE OR LEWD BEHAVIOR. Simmons students may not engage in conduct that disrupts the educational process, the operations of the University or our Fenway neighbors. When a student interferes or otherwise obstructs the teaching, learning, and the residence life of others, they are acting in a disruptive manner and can be found in violation of the Simmons Code of Conduct. In addition, any behavior that can be reasonably classified as lewd, indecent, or obscene violates this Code of Conduct.

FAILURE TO COOPERATE. By joining the Simmons community, students agree to follow directives issued by Simmons staff and faculty as part of their professional duties. Simmons students are expected to:

- Provide correct information to staff or police when requested.
- Refrain from interfering with staff while they are performing their duties.
- Refrain from engaging in the verbal, physical, or emotional abuse of other members of the Simmons community, including other students, faculty, and staff.
- Appear at appointments and disciplinary meetings when notified by Student Affairs staff or other administrators.
- Fulfill sanctions or other directives that were outcomes from a conduct hearing or other adjudications under this Code of Conduct.

FALSE REPORTING. Simmons encourages students to report issues that may affect their health and safety or the health and safety of others. However, knowingly making a false report, assisting others in making a false report, or encouraging another to make a false report to a Simmons administrator or to Simmons Police and Public Safety violates our Code of Conduct. Making a false report may also violate Massachusetts state law.

**Note:** Misusing our POM alert system to contact Simmons University Police for non-urgent matters may also qualify as a false report.
for purposes of this Code of Conduct. Examples of urgent events are when immediate action is required; someone’s health, safety, or property is in jeopardy or a crime is in progress. Please call Police and Public Safety at 617-521-1112 and they can advise you on the best way to report.

FIRE SAFETY. All Simmons students, and particularly those who live in Simmons residence halls, are expected to follow fire safety procedures and to avoid creating fire hazards for themselves or others. You violate our Code of Conduct when you:

- Use candles anywhere on the residence campus.
- Make a false report of a fire without cause to do so.
- Pull a fire alarm without cause to do so and/or with the intent to disrupt the campus community.
- Set or attempt to set fire(s) on the Simmons campus.
- Fail to participate in scheduled or unscheduled fire drills or other evacuation procedures.

- Tamper with a smoke detector, fire alarm, or other emergency warning device.
- Interfere with firefighters, police, or staff in the course of performing their duties.
- Refuse to follow the directives of a firefighter in the course of performing their duties.

FREEDOM OF EXPRESSION. Free speech and open discussion of ideas are an integral part of any university community and are fully encouraged. But acts of intimidation and defamation of others violates acceptable standards of conduct and are prohibited.

Community members who are offended by matters of speech or expression should consider speaking up promptly in a civil fashion and should ask others to help them express concern. See our policy on Protest and Demonstrations, page 16.

GENDER-BASED VIOLENCE (SEXUAL HARASSMENT, SEXUAL ASSAULT, INTIMATE PARTNER VIOLENCE, AND STALKING). Simmons University is committed to creating and sustaining a positive learning, working, and living environment, free from gender-based misconduct. Gender-based violence is a broad term used to identify a number of unwelcomed behaviors, of a sexual nature, prohibited by Simmons. Simmons takes allegations of gender-based misconduct seriously and is committed to preventing and addressing this conduct as it violates our community standards and is inconsistent with mutual respect, dignity, and personal integrity.

- Economic violence is to deny and control a person’s access to resources, including time, money, transportation, food, or clothing. Acts include but are not limited to: prohibiting work and exclusive financial decision-making.
- Gender-Based Misconduct Policy addresses incidents of gender-based misconduct and should be reported
directly to the Title IX team. These incidents will be managed by the Title IX team and could be in conjunction with other departments. Some or all of this behavior could be criminal in nature and there may be criminal charges.

- **Gender-Based Violence** includes physical, sexual, psychological, and economic violence.
- **Intimate partner violence** is defined as actual or threatening violence toward a partner in an intimate relationship. Intimate partner violence can be a single act or a pattern of behavior. Intimate partner violence can occur between persons of any gender identity, any sexual orientation, and it can occur in any type of intimate relationship including monogamous, non-committed, and relationships involving more than two partners.
- **Physical violence** is force that results in bodily injury, pain, or impairment. Acts of physical violence include but are not limited to: slapping, shoving, pushing, punching, beating, choking, grabbing, shaking, spitting, burning, and forcing the ingestion of an unwanted substance.
- **Psychological violence** is an action or set of actions that directly impair a person’s psychological integrity. Acts include but are not limited to: threats of violence and harm to the person or someone close to them, harassment at the place of employment, humiliating and insulting comments, isolation, and restrictions on communication.
- **Sexual violence** encompasses a range of behaviors including sexual harassment, nonconsensual sexual contact, non-consensual sexual penetration, and sexual exploitation. Sexual misconduct also includes, without limitation, sexual assault (rape, fondling, incest, or statutory rape) as defined by the Clery Act. Sexual misconduct can be committed by persons of any gender identity, and it can occur between people of the same or different sex.

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**HARASSMENT & DISCRIMINATION.** To create a respectful, welcoming community, Simmons is committed to providing an environment free from harassment.

- **Harassment** is unwelcomed conduct that can be verbal, nonverbal, or physical in nature (including online) which creates an environment that a reasonable person would consider intimidating, hostile, or abusive. Any unwelcome conduct should be reported to campus officials, who will act to remedy and resolve reported harassment incidents, and will investigate the frequency, nature, severity, and context in which it occurred.
- **Discrimination** is any act or failure to act based on an individual or group’s actual or perceived status (e.g., sex, gender, gender identity and expression, race, color, age, creed, national, ethnic origin, ability status, veteran status, pregnancy status, religion, sexual orientation, or other protected status) that is sufficiently severe to limit or deny the ability to participate in or benefit from the University's educational program or activities.
HATE CRIMES AND OTHER BIAS-MOTIVATED CONDUCT. Simmons University is committed to inclusive excellence in all aspects of a student’s experience. Our values, vision, and mission mandate that we strive to create an environment free from bias, prejudice, discrimination, and hurtful or hateful acts that can prevent each member from thriving in the Simmons community. Simmons students will respect and uphold the rights and dignity of others regardless of race, color, nationality, ethnic origin, age, ability, religion, sexual orientation, gender, gender identity, and expression, or socioeconomic status. Simmons University has zero tolerance for hate crimes.

▷ **Hate crimes** are crimes motivated by the offender’s bias toward the victim because the victim is a member of a protected group.

▷ **Hate speech** is any form of expression through which speakers intend to vilify, humiliate, or incite hatred against a group or a class of persons and is not permitted.

▷ **Bias incidents** are behaviors that constitute an expression of hostility against a person or property of another because of the targeted person’s age, creed, ability, ethnic or national origin, gender, gender identity, gender expression, marital status, political or social affiliation, race, religion, or sexual orientation and are prohibited. Racial profiling will be seen as a violation and a bias investigation by the Bias Response Team will be prompted. Our Bias Response Protocol is designed to inform, instruct, and support those who have been affected by bias.

HAZING. The Commonwealth of Massachusetts takes hazing very seriously and provides criminal sanctions for individuals who organize, participate in, or fail to report hazing. In light of these laws, Simmons prohibits hazing by any students, on or off campus.
hazing that involves behaviors of a sexual or gender-based behavior may be referred to Title IX staff for investigation.

**INAPPROPRIATE USE OF TECHNOLOGY.** Engaging in any electronic exploitation of another person, including eavesdropping on, surveilling, recording, and/or broadcasting acts is a violation of the Code of Conduct.

- Students are expected to refrain from recording/sharing and or posting on social media and other platforms any sensitive information about another student, staff, faculty, campus partner, and/or University affiliate.
- This also extends to students posting on social media platforms and elsewhere where there is sensitive information about internships, assistantships, fellowships, clinical hours, patients, records, or employment.
- Students must follow the Simmons University Technology Policy.

**INTERFERENCE/OBSTRUCTION OF THE CONDUCT PROCESS.** Students and student organizations charged with an alleged violation of the Simmons Code of Conduct, or who are asked to provide information (e.g., witness or fact statements) are required to respond promptly to these requests. Students and student organizations are expected to engage in the conduct process in good faith and with full cooperation. Good faith and full cooperation mean that students and student organizations do not:

- Withhold information.
- Provide false information or false documents.
- Refuse to answer questions.
- Obstruct or attempt to obstruct the investigation.
- Threaten, intimidate, or malign those responsible for investigating and adjudicating the disciplinary matter.
- Threaten, intimidate, or malign those individuals participating in the process or who are providing information relevant to the process.
- Violate confidentiality rules that may be imposed on the matter.
- Fail to comply with the outcomes, deadlines, or resolutions from the conduct meeting.

**THEFT.** Stealing or otherwise misappropriating the possessions, goods, or services of another member of the Simmons community is a violation of the Code of Conduct. Misappropriation includes removing the possession(s) of another with the intent to deprive the owner of their use or enjoyment. Theft of Simmons University property is also a violation of the Code of Conduct.

**TOBACCO FREE POLICY.** Simmons University is a Tobacco-Free Campus. All locations, campuses, building vehicles, and outdoor spaces or areas operated by Simmons University prohibit the use of all smoking and tobacco products.
THREATENING BEHAVIORS (THREATS, INTIMIDATION, COERCION, AND DEFAMATION).
Simmons University prohibits threats, intimidation, coercion, and other conduct that can be reasonably construed to threaten or endanger the mental and physical health or safety of the community. This conduct may also rise to the criminal level.

- **Threats** are defined as written or verbal conduct that causes a reasonable expectation of injury to the health or safety of any person or damage to any property.
- **Intimidation** is defined as implied threats or acts that cause a reasonable fear of harm in another.
- **Coercion** is to force one to act based on fear of harm to self or others. Means of coercion may include but are not limited to pressure, threats, emotional intimidation, or use of physical force.
- **Defamation** is the oral, written, or electronic publication of a false statement of fact that exposes a person to ridicule, hatred, or harm to their reputation. This includes statements intended to disparage someone’s character.

PROPERTY DAMAGE AND VANDALISM. Malicious or unauthorized conduct that attempts to, actually does, or is reasonably likely to damage, deface, or destroy University property or property belonging to another.

PROTEST AND DEMONSTRATION. Simmons University respects the rights of all members of the student community to freely express, explore, and discuss any matter. A protest becomes unacceptable when it obstructs the basic exchange of ideas. The University will not allow disruptive or disorderly conduct on its premises that interrupts the day-to-day operation of the University. Please see Protest and Demonstration Guidelines.

RETALIATION. Simmons requires students and student organizations to report violations of the retaliation policy. All students should be able to report violations without fear of retaliation by fellow students, faculty, staff, or any other member of the Simmons community.

WEAPONS AND DANGEROUS OBJECTS. Simmons University strictly prohibits the possession, distribution, use or threatened use of any weapon on any property owned, leased, occupied, or controlled by Simmons, including but not limited to all buildings, grounds, and vehicles, or otherwise engaged in any activity relating to Simmons. Weapons are not allowed at any Simmons-sponsored event regardless of location, with the sole exception of law enforcement personnel acting in the scope of their employment. Please see Simmons Policy on Weapons. Possession, use, or threatened use of any object, weapon, or item deemed by the University as dangerous is prohibited. Simmons reserves the right to take possession of any item(s) used or deemed harmful.
SECTION 6:
STUDENT CONDUCT PROCESS

Students should be aware that the Simmons student conduct process is not intended to be the same as a criminal or civil court proceeding. Procedures and rights in student conduct procedures are conducted with fairness to all. Simmons Community members brought to the attention of the Simmons University designee and who are a part of the conduct review have the right to be notified of the charge and an opportunity to respond to the charges. To provide an orderly procedure for the handling of disciplinary cases, the following safeguards will be given to all students:

FILING A REPORT
When an incident occurs, an incident report is completed by a student, faculty, staff, or community member who becomes aware of or observes the violation, or who believes they are the victim of the violation. Reports regarding graduating students should be filed prior to their graduation and when possible with enough time before graduation so that an investigation and hearing can occur. Incident reports can be submitted by completing the Non-Academic Incident Report Form.

REVIEWING A REPORT
The Assistant Dean of Community Standards (ADCS) will oversee any behavior reports on students, and can be an arbitrator and mediator in this process. The ADCS or designee, will conduct a preliminary review or inquiry into the nature of the incident, complaint or notice, the evidence available, and the parties involved. The preliminary review or inquiry may lead to:

1. A determination that there is insufficient evidence to pursue the investigation, because the behavior alleged, even if proven, would not violate the Code of Student Conduct.
2. A decision to conduct a comprehensive investigation to gather additional information and perhaps interview others with relevant knowledge.

Note: Title IX and the Bias Response Protocol have a different reporting and investigation process.

CONDUCT HEARING
Once the administrator has identified the alleged acts as being in conflict with the Student Code of Conduct, they will assign the matter to an appropriate hearing officer. Often the ADCS will serve as the hearing officer for the case. During the conduct hearing, the impacted parties will have an opportunity to address the allegation(s) and share information regarding the incident. Because the focus of the meeting is to determine if one or more policy violations have occurred, character statements and letters of support that are not from witnesses or do not directly pertain to the case shall not be considered. Adjudication meetings are for impacted students only; no parent, guardian, spouse, family member, or legal representative is allowed into the hearing room or to otherwise participate in the process.

The steps of the process are as follows:

1. A formal notice of the allegations will be sent to a student’s or student organization’s University email requesting a meeting. Generally, three business days are given for the response.
SECTION 5: STUDENT CONDUCT PROCESS

OUTCOMES AND SANCTIONS
Sanctions for Code violations are typically developmental and educational tools, with the purpose of redirecting the student’s behavior toward upholding the mission and values of the institution and utilizing, where appropriate, restorative justice (see Definitions, page 21) to address any damage that impacted others and the community. The possible actions available to hearing officers and hearing committees are described below. Title IX cases will be handled through the Title IX team and may have different outcomes and sanctions. Outcomes are determined as a result of the conduct meeting or hearing. Sanctions are included when there is a finding of responsibility. The standard used to determine whether or not a student is responsible for a policy violation is Preponderance of Evidence (see Definitions, page 21).

Examples of Disciplinary Sanctions:

A. Disciplinary Warning: Written notice to a student that the student has failed to meet the University’s standards of conduct. The warning includes written notification from the hearing officer to the student indicating that repeated violations of University regulations will result in an additional meeting or new process for a new violation.

B. Probation: A status that will last for at least one semester but would not exceed an academic year. This is a set period of time during which the student is given the opportunity to modify behavior, to complete specific assignments, to meet with designated persons, and to demonstrate positive contributions to the University community. Probation could negatively impact student leadership status, participating in co-curricular travel opportunities, and may be displayed on a student’s transcript. Once the period of probation is complete, the probation status and restrictions will be lifted. Repeated violations of the Code of Conduct may result in further restrictions or further process.

C. Interim Suspension: In certain circumstances, the Dean of Students or designee, may impose a University or
residence hall suspension for an interim period. An interim suspension may be appropriate: (1) to ensure the safety and well-being of members of the campus community or property; (2) to ensure the student's own physical or emotional safety and well-being; or (3) if University administrators determine the student poses a substantial threat of disruption of or interference with the normal operations of the University. During the interim suspension, the student is denied access to the campus (including classes) and all other University activities or privileges.

D. Suspension from the University:
Exclusion from classes and from all privileges and activities of the University, for a defined period of time, often an academic year, but not usually to exceed a year. The student may not be readmitted, reapply, or be placed in residential housing until the suspension is concluded and the conditions of the suspension are fulfilled entirely. During a period of suspension, a student is not permitted on the University property without the express written permission of the Dean of Students or designee. If a suspended student violates any University regulations during the suspension period or any of the conditions of the suspension, the student will be subject to further action most likely in the form of expulsion from the University. This action may be deferred to become effective after a certain date.

E. Expulsion from the University:
Permanent termination of the student status without the possibility of readmission to the University. An expelled student is not permitted on University property and must leave the campus on the date determined by the hearing officer. An expelled student will not be allowed to finish classes and loses access to all University privileges and activities. The student will be restricted from visiting the University in the future, which may include a criminal trespassing warning or no contact order.

APPEAL PROCESS
If the student disagrees with the outcome or sanction of the hearing, they can appeal. Students may appeal on three grounds only:

A. There was a procedural error that unfairly affected the outcome of the hearing.
B. There is new information that was not reasonably available at the time of the hearing.
C. The sanctions imposed are disproportionate to the nature and severity of the offense and the cumulative conduct history of the responding party.

All appeals must be made by completing the Student Conduct Appeals Form, and must specify the reasons for the appeal. An appeal of any decision must be received within five business days, by 5:00 p.m., after the student has been informed of the decision.

The appeals officer will determine if the student's appeal falls under one of the above categories and will go through the appeals process. Students participating in the appeals process will be given the name of the appeals hearing officer in advance. If a student believes that the hearing officer is biased or could not render an impartial judgment, the student may challenge their participation.

Appeals will not be accepted from students who initially agree to the sanctions imposed by the hearing officer but then fail to complete the sanctions. The responsibility of the Appeals Hearing Officer reviewing the appeal is to determine a fair course of action in light of the charges and evidence presented. When the appeal is complete, the matter should be considered resolved unless the Dean of Students wants to reopen the case or wants to allow a second appeal.
SECTION 7:
CORRECTIVE AND EDUCATIONAL SANCTIONS

This is not a complete list of every sanction a student can be assigned but reflects the most common sanctions used. A hearing officer can assign other educational sanctions if appropriate for the student.

Apology Letter: This is an appropriate way for a respondent to reflect on what could have been done differently in the specific situation and to bring closure to the incident for involved parties. Once the written apology has been approved by the hearing officer, the sanction is considered complete.

Co-Curricular Workshop: The hearing officer will choose a workshop or program that is an opportunity for a student to learn and engage in a topic. A signature from the staff member running the event and a reflective summary of the event must be submitted to the hearing officer for the sanction to be complete.

Community Service: This allows students to repair harm to the community, positively impact campus departments, and develop positive relationships. There is a deadline for completing the hours and proof of completion must be submitted to the hearing officer for the assignment to be completed.

Online Educational Programming: These sessions might cover alcohol awareness, substance awareness, conflict resolution, and diversity, equity, and inclusion.

Reflection Paper: A reflection paper gives the student an opportunity to reflect, consider the decisions that were made that led to the conduct violation(s), and discuss how similar situations should be handled in the future. Instructions regarding the intended content and length of the paper will be provided. Once the paper has been approved by the hearing officer, the sanction is considered complete.

Ted Talk Video: The student will select a TED Talk video from a list provided by their hearing officer. After watching the video, students will reflect in writing on the speaker’s main points, what resonated most with them, and how they can apply the information to their life. The paper must be approved by a hearing officer to have the assignment completed.

Values Worksheet: This worksheet will help students identify their personal values, clarify how their values are used in their decision-making, analyze how their values will influence future decision-making, and create an action plan for future situations.

Wellness Action Plan: Students will develop their own well-being self-care plan for the month. The student will start with a reflective assessment and then develop an action plan to focus on the eight dimensions of wellness. This plan must be approved by the hearing officer and a follow-up meeting is required.
SECTION 8: DEFINITIONS

The following selected terms are defined in an effort to facilitate a more thorough understanding of the Student Code of Conduct. Because this is not a complete list of all terms referenced in the Student Code of Conduct, for any questions, call 617-521-2124 to set up an informal meeting.

Appeals Hearing Officer: An Appeals Hearing Officer is a trained hearing officer or designee authorized by the Assistant Dean of Community Standards. Hearing officers are authorized to determine the resolution of the alleged violation(s). The hearing officer may investigate a complaint or an alleged violation, decline to pursue a complaint, and/or refer a student to appropriate resources.

Business Day: Any day from Monday through Friday that the University is open from 8:30 a.m. to 4:30 p.m.

Conduct Standing: Good conduct standing refers to the student’s current disciplinary status at the University related to the conduct process. This could mean referring back to former Honor Board cases. Being in good conduct standing indicates that at the current point in time, a student does not have any pending conduct incidents, does not have an outstanding sanction to be completed, and is not on active University probation, suspension, or expulsion.

Discipline Record: A discipline record reflects any proceedings under the student conduct process that results in a finding of “responsible.”

Jurisdiction: The University’s authority to make decisions and disciplinary action on the behavior of students and organizations.

No Contact Order: An administrative action from the University directed toward two or more parties that states that they are not to have any contact with each other. This communication includes in person, telephone, voice, message through social media, and/or through a third party. Violation of this order may result in further disciplinary action.

Outcome: Is what is determined as a result of the conduct meeting, either responsible or not responsible. The standard used to determine whether or not a student is responsible for a policy violation is Preponderance of Evidence.

Policy: Any written policy, procedure, standard, regulation, rule, or student conduct expectations adopted by the University, which may be amended, modified, or replaced from time to time.

Physical Assault: Includes, but is not limited to, a physical attack on or physical interference with a person that prevents the person from conducting their customary or usual affairs; puts the person in fear for their physical safety; or causes the person to suffer actual physical injury.

Preponderance of Evidence: The burden of proof standard used in student conduct hearings. This means the hearing officer or appeals board after careful consideration of all the available information will determine if it is “more likely than not” that a violation of the Student Code of Conduct occurred.

Restorative Justice: Offers a conflict-resolution method that emphasizes repairing the harm done to members of the community rather than concentrating on blame and punishment.
Retaliation: Any intentional or attempted act that results in an adverse or negative effect on a good faith report or participants (e.g., impacted students or witnesses) in the investigation of a code of conduct.

Sanction: Sanctions are the actions that a student must fulfill when given a responsible outcome. Sanctions require students to complete a specific assignment. Sanctions may be issued individually or in combination. The determination of sanction is based on a number of factors, including the interest of the community, the impact of the violation on the individual and community, previous conduct violations, and other circumstances. Sanctions are tools to assist students in learning through the conduct process by—increasing accountability, encouraging integrity, facilitating more productive decision making—thereby reducing the likelihood of the event recurring.

Student: Any person admitted, registered, or enrolled at the University, attending any University course or program (including students auditing a course); any person admitted to the University who is on University premises or University-related premises for any purpose pertaining to the person’s registration or enrollment. Students who are on a leave of absence are still considered students unless they are officially withdrawn from the University.

Support Person: An individual who provides support and/or advises the student in the conduct process. The person must be a Simmons staff member, faculty member, or trained peer ambassador and may not be in conflict with the conduct process. The support person will not address the hearing officer but can be present for support. During the meetings, the support person can speak with the student in a non-disruptive manner. The University has the right to remove a support person from the meeting if the person disrupts the process or cannot participate with restrictions.

University: Simmons University

University Official: Any person employed by the University to perform administrative, instructional, or other professional duties.

Witness: Any person with knowledge pertaining to an alleged violation of the Student Code of Conduct.

SECTION 8: DEFINITIONS

SECTION 9: ADDITIONAL POLICIES

The following Simmons policies have been assembled in this section to provide useful references. This is not intended to be a complete list, but rather a compilation of some frequently referenced policies.

- **Academic Policies**
  [internal.simmons.edu/students/general/handbook/academic-policies](http://internal.simmons.edu/students/general/handbook/academic-policies)

- **Access to Student Records**
  [internal.simmons.edu/students/general/handbook/rights-responsibilities/access-to-student-records](http://internal.simmons.edu/students/general/handbook/rights-responsibilities/access-to-student-records)

- **Attendance Policy**
  [internal.simmons.edu/students/general/handbook/academic-policies/undergraduate](http://internal.simmons.edu/students/general/handbook/academic-policies/undergraduate)

- **Employee Handbook**
  [internal.simmons.edu/faculty-staff/general/employee-information](http://internal.simmons.edu/faculty-staff/general/employee-information)

- **Missing Student Policy**
  [internal.simmons.edu/students/general/handbook/rights-responsibilities/missing-student-policy](http://internal.simmons.edu/students/general/handbook/rights-responsibilities/missing-student-policy)
SECTION 10: SIMMONS NETWORK OF CARE

The following resources are provided for information and support. Please feel free to seek the assistance of these offices or services.

Academic Advising and Support
simmons.edu/academics/student-success/advising

Accessibility Services
simmons.edu/your-simmons/commitment-inclusivity/accessibility-services

Career Education Center
simmons.edu/cec

Commuter Services
simmons.edu/student-life/life-at-simmons/commuter-services

Counseling Center
simmons.edu/student-life/student-services/counseling

Dining
simmons.edu/student-life/life-at-simmons/campus-dining

Health Center
simmons.edu/student-life/student-services/health-center

International Student Advising
simmons.edu/your-simmons/student-support-resources/international-student-services

Library Services
simmons.edu/library

Public Safety
simmons.edu/public-safety

Registrar
simmons.edu/academics/registrar

Research and Sponsored Programs
simmons.edu/academics/research/sponsored-programs/student-travel-and-research-funds

Residence Life
simmons.edu/student-life/life-at-simmons/housing

Tutoring Center
simmons.edu/academics/student-success/tutoring-center

Writing Center
simmons.edu/academics/student-success/writing-center

Title IX
simmons.edu/about-simmons/title-ix

Violence Prevention and Educational Outreach
simmons.edu/student-life/student-services/violence-prevention-and-education
SECTION 11: HOW TO REPORT AN INCIDENT

Simmons University encourages all community members to report concerns without the fear of retaliation by fellow students, faculty, staff, or any other members of the Simmons community (simmons.edu/report-incident). Community members and affiliate partners should refer individuals and/or organizations in the ways outlined below. Please provide as much information as is possible to enable the appropriate team to make the most accurate and timely assessment possible.

Report a Non-Academic Violation Referral:
Use the Non-Academic Incident Report Form to report issues that may be a violation of the Simmons Student Conduct Code. Non-academic violations are behaviors that involve, but are not limited to, alcohol, disorderly conduct, drugs, bullying, harassment, physical violence, or other violations of University policies, regulations, or rules.

Report Concerning or Worrisome Behaviors:
Use the Care Team Referral Form to submit a report for a student who is experiencing distress and engaging in concerning behavior such as emotional outbursts, withdrawing from the community, or behavior which is perceived as being harmful to themselves or others. If there is an imminent concern for the student's safety or well-being, please call 911 or the Simmons Police and Public Safety emergency line at 617-521-1111.

Report a Residence Life Incident:
Use the Residence Life Incident Form to report an alleged violation of the Simmons Residence Hall Policies and Procedures, On-Campus Housing License Agreement, or Simmons Student Code of Conduct. Such violations may be subject to the conduct process through the Office of Residence Life.

Report an Academic Integrity Violation:
Use the Academic Integrity Report Form to initiate an official complaint of an academic integrity violation against any Simmons student. Academic violations are behaviors that include, but are not limited to, cheating or plagiarism. General classroom misbehavior is considered a non-academic violation.

Report Title IX/Gender-Based Misconduct:
Use the Title IX/Gender-Based Misconduct Report to document all disclosures or incidents pertaining to gender-based harassment, discrimination, or violence, including but not limited to incidents of: sexual harassment, sexual assault, intimate partner violence, stalking, cyber-stalking, or sexual exploitation that have impacted students, faculty, or staff, on or off campus.

Survivor Advocacy Services/Violence Prevention and Education Referral:
Use the Violence Prevention and Education Referral Form to notify Violence Prevention and Educational Outreach of an undergraduate or graduate student who is in need of support, advocacy, or resources related to experiences with gender-based misconduct.

Simmons University Police and Public Safety Campus Security Authority Report Form:
Use the Simmons University Police and Public Safety Campus Security Authority Report Form.

Bias Response Incident Form:
Use the Bias Response Incident Form.

Anonymous Complaints:
Use the EthicsPoint Reporting Hotline.
SOURCES AND REFERENCES: Some of the material was taken from the following online sources, including:

Association for Student Conduct Administration
Boston College
Lewis & Clark
MIT
NCHERM Group Model Code Project
Northeastern University
Salem State University
Smith College
University of Kansas
University of New Hampshire

Note: Simmons University reserves the right to update or modify this policy in whole or in part at any time at its sole discretion.