

FRANKLIN PIERCE UNIVERSITY
COLLEGE OF GRADUATE AND PROFESSIONAL STUDIES

STUDENT CODE OF
CONDUCT

WRITTEN August 2008

August, 2008

Dear College of Graduate and Professional Studies Student,

This document is an affirmation of the College's belief that every student has the obligation and responsibility to understand and appreciate that this is an academic community, dedicated to the free and open examination and exchange of ideas in the pursuit of knowledge. It is not different in intent from the larger Code of Conduct for students attending Franklin Pierce University in Rindge, but rather a modification of that document designed to deal specifically with the students enrolled in the College of Graduate and Professional Studies whose relationship to the FP community is slightly different from the students enrolled at the Rindge campus.

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

Through your admission to the College of Graduate and Professional Studies at Franklin Pierce University, you have joined the proud company of the Pierce Family. We are here to serve you, and we expect that each of you will approach this experience with a genuine desire to learn, a willingness to be receptive to new ideas, and with a commitment to actively question and be constructively challenging and respectful in all of your academic and social relationships. We strongly believe that three things are very important to your success: respect for self, respect for other students and the need to be responsible for your actions.

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

Statement of Academic Ambition: Franklin Pierce College is a dynamic teaching and learning community, creating passion for academic excellence and civic engagement.

FRANKLIN PIERCE UNIVERSITY/CGPS STUDENT CODE OF CONDUCT

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

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

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

ARTICLE I: DEFINITIONS

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

6. The term “university premises” includes all land, buildings, facilities, and other property in the possession of or owned, used, or controlled by the University, including adjacent streets and sidewalks.
7. The term “organization” means any number of persons who have complied with formal requirements for recognition by the University.
8. The term “appellate authority” means any person or persons authorized by this document or by the Dean of the College of Graduate and Professional Studies to consider an appeal resulting from a determination that a student has violated the Student Code or from the sanctions imposed.
9. The term “shall” is used in the imperative sense.
10. The term “may” is used in the permissive sense.
11. The term “policy” is defined as the written regulations of the University as found in, but not limited to this document, the Student Handbook, the University Catalog, and the Honor Code.
12. The term “advisor” is defined as a member of the University community (faculty, staff or student) selected by an accused student to assist him/her at a hearing. The role of the advisor is limited to direct assistance to the student; as it is the responsibility of the student to present his/her own testimony, evidence, etc., the advisor may not address the Hearing Officer or his/her designee, directly or on behalf of the student unless requested by the Hearing Officer or his/her designee, to do so, or, upon request of the accused student, the Hearing Officer or his/her designee grants such request upon good cause shown. A student bringing a complaint to the Hearing Officer or his/her designee may also have an advisor of his/her choosing from within the university community.
13. The term “sanction” is defined as the action issued by the Dean of the College of Graduate and Professional Studies as a result of a student being found to be in violation of a university regulation. Such action may be educational and/or punitive in nature.
14. The term “center” refers to the CGPS locations. Previously these satellite locations have been referred to as campuses. The one exception is Goodyear, AZ which is designated as a campus.

ARTICLE II: JUDICIAL AUTHORITY

1. The Dean of the College of Graduate and Professional Studies is that person designated by the College President to be responsible for the oversight and administration of the College of Graduate and Professional Studies Student Code, to include determination of definition of all policies and statements within the Code. The Dean of CGPS will work in concert with the Vice President of Student Affairs at the campus in Rindge when appropriate.
2. The Associate Dean of Undergraduate Studies and the Associate Dean of Graduate Studies serve, as coordinators of the CGPS Student Code of Conduct in accordance with this document and established university policies. The Associate Deans shall respectfully determine whether or not charges are brought against a student, and which judicial authority shall be authorized to hear the cases in consultation with the Provost if necessary.
3. The Dean of the College of Graduate and Professional Studies shall develop policies for the administration of the procedural rules for the conduct of hearings, which are consistent with provisions of this document and established university policies.
4. Decisions made by the Dean of the College of Graduate and Professional Studies shall be final, pending the established appeal and review process.
5. The Dean of the College of Graduate and Professional Studies may designate someone to serve as arbiter of disputes within the student community in cases which do not involve a violation of the Student Code. All parties must agree to arbitration, and agree to be bound by the arbitrated decision.
6. Cases involving students at the College of Graduate and Professional Studies centers are initially adjudicated by the Director of each center/program or his/her designee in discussion with the appropriate Associate Dean of Undergraduate Studies for undergraduate students and or the Associate Dean of Graduate Studies for graduate students. The Provost may be asked to assist.
7. Violations of the College's Honor Code relating to academic integrity will be referred to either the appropriate Associate Dean or the Dean of the CGPS for review.

ARTICLE III: PRESCRIBED CONDUCT

A. JURISDICTION OF THE UNIVERSITY

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

B. CONDUCT - RULES AND REGULATIONS

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

1. **Acts of dishonesty**, including but not limited to, the following:
 - a. Cheating, plagiarism, or other forms of academic dishonesty. "Plagiarism" as defined in the University Catalog is "the process of stealing or passing as one's own the ideas or words of another. The two main types of plagiarism are copying the words of another student in examinations, themes, term papers, or thesis, and copying the printed work of a writer without giving due credit to the author."
 - b. Furnishing false information to any university official, faculty member or office.
 - c. Forgery, alteration, or misuse of any university document, record, or instrument of identification.
2. **Physical abuse** to include any physical act which is abusive, intimidates, threatens, or endangers the health or safety of any person. Included in this regulation, but not limited to are all actions which constitute sexual abuse, including incidents of date rape or acquaintance rape. "Rape" is defined as sexual penetration without the consent of the victim. "Date rape" is rape in a situation where the parties know one another. Any form of unwanted touching is also consider sexual abuse, and as defined in this Code, physical abuse.

For the purpose of Franklin Pierce University's policy and judicial procedures, consent is defined as the act of willingly agreeing to engage in specific sexual behavior. Silence or non-communication is not to be interpreted as consent and a person in a state of diminished judgment cannot consent. Consent requires that a person is able to freely choose between two options: yes and no. A person is incapable of giving

consent if he/she is asleep, unconscious or otherwise unable to communicate. No one who has been threatened or coerced or drugged can consent. A person may be unable to give consent when he/she is under the influence of alcohol and/or drugs or is mentally handicapped. A current or prior sexual or dating relationship does not constitute consent. A person can withdraw consent at any time during the course of a sexual encounter. Pursuing sexual contact in any form whatsoever with an unwilling or non-consenting partner is sexual assault. How exactly we know when the person we are with is consenting to, or refusing a sexual advance can be at times difficult to discern; nevertheless the entire responsibility for correct discernment is upon the person making the advance. Both the accuser and accused will be informed of the outcome of any university disciplinary proceedings involving sexual assault.

3. **Acts which endanger the safety or welfare of any person(s)** to include, but not limited to, the “propping open” of a campus facility entrance door, the removal of screens from windows, etc.
4. **Verbal abuse** to include profanity, intimidation, harassment, or other conduct which is abusive, threatens, intimidates, or endangers the health or safety of any person.
5. **Disorderly Conduct or Disruptive Behavior** which is lewd, indecent, or a breach of peace. This is to include, but not be limited to, obstruction or disruption of teaching, research, study, administration, disciplinary proceedings, other university programs and activities or other authorized non-university activity on university premises.
6. **Alcohol Policy and Regulations**
 - a. Underage possession or use of alcoholic beverages is prohibited. By state law, no one under 21 years of age is permitted to consume, purchase, transport, or possess any alcoholic beverage. The University does not condone violation of criminal law, including underage drinking. All matters relating to alcohol on university premises, or at university-sponsored events, are governed by laws of the State of New Hampshire. As members of the general public in this state, students are charged with full knowledge of these laws.
 - b. Open containers of alcohol are prohibited in all CGPS center or campus buildings and in public areas such as parking lots.
 - c. Intoxication as exhibited by impaired behavior is prohibited and will subject the student to disciplinary action.

- d. A student's presence where any aspect of the alcohol policy is being violated, even if he/she is not directly involved in the specific act, constitutes a violation of university policy. This policy is in recognition of the responsibility every student has to uphold community standards, including the Student Code and the Honor Code; a student who passively, or actively, supports another's violation of university policy is not upholding such standards. Students are referred to #19 below for further clarification of what is expected.
 - e. The involvement of alcohol and/or other drugs is not considered a legitimate excuse for violation of university policy. Irresponsible behavior related to alcohol use will be regarded as a violation of the Student Code.
 - f. Providing or selling alcohol to a person under the age of 21 or a person impaired by alcohol is prohibited.
7. **Use, possession, or distribution of narcotics or other controlled substances**, except as expressly permitted by law (e.g. prescription drugs), is forbidden. Federal and state law regarding narcotics and controlled substances shall be strictly observed and enforced.

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

Drug related devices are forbidden on university premises, in addition to being University policy, this is in accordance with state law.

A student's physical presence, where any aspect of the narcotics or other controlled substances policy (including alcohol) is being violated, even if he/she is not directly involved or does not participate in the specific act, constitutes a violation of university policy provided that the student knew that such violations were occurring in his/her presence. This policy is in recognition of the responsibility every student has to uphold community standards, including the Student Code and Honor Code, a student who passively or actively supports another's violation of university policy is not upholding such standards, see #19 below. This provision also applies to actions of a student's guest(s), as specified in paragraph #18 below.

8. **Theft**, or attempted theft, of property, belonging to the University, a member of the university community, or a campus/center guest is a

violation of the Student Code. Included in this policy is the removal of university property from its designated place.

9. **Illegal Entry**, into any unauthorized areas at any of the satellite center locations is in violation of the Student Code.

9. **Vandalism**, damage to, or attempted damage to property belonging to the University, a member of the university community, or a campus/center guest is an offense to the community and violation of the Student Code. Included in this policy is the “trashing” of public areas. Community members who engage in deliberate and malicious damage, defacement or destruction of University property will be subject to:
 - a. The applicable judicial/administrative procedures contained in the Student Handbook, Faculty Manual, Rindge Collective Bargaining Agreement and staff Administrative Policy Manual as appropriate;
 - b. Demand for restitutions, and ;
 - c. Prosecution under applicable New Hampshire laws.
 - d. In all but the most exceptional circumstances, at the University’s discretion, the institution shall invoke the provisions under the items a-c detailed above.

10. **Misuse or abuse of fire safety equipment**, including the setting of false alarms, the misuse of emergency exits, the wrongful discharge of fire extinguishers, or tampering with alarm systems, sprinkler systems, and smoke alarms constitutes a serious violation of the Student Code. Such violations endanger the life safety of the community. Further, students are required to evacuate any building in which a fire alarm is sounded. Students may be fined for activation of an alarm system as established by a town ordinance in any of the communities in which a CGPS center is located.

11. **Possession or use of firearms, other weapons, or explosives**, is not permitted on any campus or center. Violation of this policy is considered a serious offense and may lead to immediate separation from the university. Examples of weapons or explosives include, but are not limited to: Fireworks, handguns, rifles, pellet guns, BB guns, swords, bows and arrows, martial arts weapons, brass knuckles or small pocket knives. The University does not store weapons or explosives nor may they be stored in vehicles or any other place at any campus or center.

12. **Failure to comply** with the directions of a university official in the performance of his/her duties or **failure to identify oneself** to a university official with appropriate identification when requested to do so is a violation of the Student Code.

- 13. Abuse of the Judicial Process.** This policy shall include, but not be limited to:
- a. Failure to obey the summons of a university official;
 - b. Falsification, distortion, or misrepresentation of information before a university official;
 - c. Disruption or interference with the orderly conduct of a judicial proceeding;
 - d. Initiating a judicial charge knowingly without cause;
 - e. Attempting to discourage, hinder or present an individual's proper participation in, or use of, the judicial process;
 - f. Harassment (verbal or physical) and/or intimidation of a university official or witness prior to, during, and/or after a judicial proceeding;
 - g. Failure to comply fully with the sanction(s) imposed under the Student Code; and or
 - h. Influencing or attempting to influence the integrity and/or the impartiality of a university official or witness prior to, and/or during the course of the judicial proceedings.
- 14. Littering,** or failure to dispose of trash and other discarded materials in the proper receptacles. This includes, but is not limited to, recyclable materials, and cigarette butts. Smoking is prohibited within 10 feet of all university properties and may be more restricted per lease agreement at some CGPS sites.
- 15. Violation of any federal, state or local law.** As the University is part of a larger community, students are expected to observe all federal, state and local laws, in addition to university policies.
- 16. Participation in a campus or center demonstration which disrupts the operations of the University** and infringes on the rights of other members of the university community; leading others to disrupt scheduled and/or normal activities on university premises; intentional obstruction which unreasonably interferes with freedom of movement, either pedestrian or vehicular, on the Rindge campus or at a CGPS site.
- 17. Theft or other abuse of the University's technological equipment or services (i.e. computers, services, on-line course systems, telephones, voicemail, etc.).** This policy includes, but is not limited to:
- a. Unauthorized entry into a file, to use, read, or change, the contents, or for any other purpose;
 - b. Unauthorized transfer of a file;
 - c. Unauthorized use of another individual's identification, access code, security code, or password;

- d. Use of computing and voice mail facilities to interfere with the work of another student, faculty member or university official;
 - e. Use of computing and voice mail facilities to interfere with normal operation of the university computing system; and or
 - f. Use of the telecommunications and computing system to harass (including obscene and/or abusive messages), intimidate, or threaten another individual.
 - g. Violation of any rules outlined in the student computer use policy.
- 18. Actions of a student's guest(s), which violate any university policy** are the responsibility of the host student. Therefore, if a student's guest(s) violates university policy, the guest(s) shall be required to leave university premises immediately, be forbidden on university premises in the future, and the host student may face disciplinary action as if he/she himself/herself had violated the policy.
- 19. Actively or passively supporting another individual to violate any university policy.** The intent of this policy is to advise students of their responsibilities within the university community. All students are expected to behave in a responsible manner while enrolled in the College of Graduate and Professional Studies at Franklin Pierce University, as well as in the course of normal participation in any community. In the circumstance that a student becomes aware of real or potential violation(s) of university policy, then specific behavioral responses are expected to include advising others that such action is a violation of policy, informing a university official of the violation, and not participating in the violation by remaining passively present.

C. VIOLATION OF LAW AND UNIVERSITY DISCIPLINE

- 1. If a student is charged with an off-campus/center violation of federal, state, or local law, this may constitute a violation of the Student Code (see #15 in previous section). Disciplinary action may be taken and sanctions imposed.
- 2. University disciplinary proceedings may be instituted against a student charged with violation of a law, which is also a violation of the Student Code. For example, if a student violates the Student Code with an action which also results in criminal and/or civil charges, university disciplinary proceedings will be followed. The University's proceedings are separate and distinct from criminal proceedings; therefore, action by the University will not be impeded by, nor influenced by, criminal or civil litigation. Proceedings under the Student Code may be carried out prior to, simultaneously with, or following civil or criminal proceedings off-campus.

3. When a student is charged by federal, state, or local authorities with a violation of law, the University will not request or agree to special consideration for that individual because of his/her status as a student. If the alleged offense is also the subject of a proceeding before the Dean of College of Graduate and Professional Studies, under the Student Code, however, the University may advise off-campus authorities of the existence of the Student Code and of how such matters will be handled internally within the university community. The University will cooperate fully with law enforcement and other agencies in the enforcement of criminal law on campus or at the satellite centers.

ARTICLE IV: JUDICIAL SYSTEM AND PROCESS

A. THE JUDICIAL PROCESS

1. Any member of the university community may file a complaint against any student for misconduct. Complaints should be prepared in writing and directed to the Dean of the College of Graduate and Professional Studies. Any complaint should be submitted as soon as possible after the incident related to the complaint(s). The Dean of the College of Graduate and Professional Studies may ask the Office of Campus Safety to investigate the complaint.
2. The Dean of the College of Graduate and Professional Studies shall determine if charges should be initiated and which authority shall have jurisdiction to hear and decide the case.
3. Violations of university policy pertaining to academic dishonesty in the form of cheating, plagiarism, forgery, or theft shall be reported to the Associate Dean of Undergraduate Studies for cases involving undergraduate students and the Associate Dean of Graduate Studies for cases involving graduate students. The Provost may assist in the process.

B. THE JUDICIAL SYSTEM

There are four levels of adjudication within the College of Graduate and Professional Studies. The first level is the Center or Campus Director, the second level is the Associate Dean of Undergraduate Studies for undergraduate cases and the Associate Dean of Graduate Studies for graduate cases, the third level is a Hearing Board appointed by the Dean of the College of Graduate and Professional Studies, and the fourth level is the Provost, who may invite other members of the university community to assist him/her in hearing the case.

Cases will be heard administratively on an informal basis. Administrative hearings are to take the form of an educational dialogue with the involved student(s). The only record maintained in administrative hearings will be the written decision of the Administrator involved. At the rest of the levels the hearings will take place on a more formal basis. A tape recording of the proceedings is maintained and a written decision is rendered.

1. **The Center/Campus Director** is responsible for those cases that are least serious in nature. Hearings are structured on an informal basis and the Center/Campus Director is limited to a Written Warning.
2. **The Associate Dean of Undergraduate Studies and the Associate Dean of Graduate Studies** are responsible for the more serious cases. Hearings are structured on a more formal basis. These Administrators

may impose any sanction listed within the Student Code, provided that a sanction issued is consistent within the guidelines for such sanctions (see Section F).

3. **Hearing Boards.** In certain cases, the Dean of the College of Graduate and Professional Studies may opt to refer cases to a hearing board.
 - a. **Administrative Hearing Board.** At the request of the Dean of the College of Graduate and Professional Studies members of the university community may be requested to assist in an administrative hearing.

The Dean of the College of Graduate and Professional Studies, at his/her discretion, will refer to a Hearing Board those cases in which the accused student states he/she is not guilty of the alleged violation, although this is not required. The Dean of the College of Graduate and Professional Studies, his/her designee, or an Administrative Hearing Board will hear the case. It should be noted that the Dean of the College of Graduate and Professional Studies will decide if a case will be heard by an Administrative Hearing Board. He/she may consult with the Provost.

At the discretion of the Dean of the College of Graduate and Professional Studies, the Office of Campus Safety will assist with the judicial process. This includes, but not limited to, the filing of complaints, and the investigation of complaints.

C. HEARING PROCEDURES

1. **Administrative Hearings :** Hearings at the College of Graduate and Professional Studies centers will adhere to guidelines established for Administrative Hearings and shall be conducted by the Center/Campus Director or his/her designee.
 - a. The accused student shall receive a letter from the Center/Campus Director requesting a meeting by a specified date to discuss the alleged incident, such a meeting date being at least two (2) days after the date of the letter.
 - b. Each student is expected to attend his/her hearing. If the student fails to do such, the Center/Campus Director shall decide the matter, to include disciplinary sanction, without the benefit of the accused student's input.

- c. An administrative hearing is normally conducted as an educational dialogue between the Center/Campus Director and the accused student; an educational dialogue has the full participation of all parties and is done for the purpose of learning from the situation, as well as upholding community standards. Other parties with direct knowledge of the incident in question may be present, but only at the request of the Center/Campus Director. Administrative hearings are conducted in private. Decisions regarding who is present—beyond the accused, complainant, and approved witnesses—will be at the complete discretion of the Center/Campus Director.
- d. An accused student may have an advisor of his/her choosing from within the university community present at the hearing. The advisor may be selected from faculty, staff, and students. The advisor shall not participate directly in any aspect of the hearing; the advisor may only address the accused student. It is the student's responsibility to present all aspects of his/her own defense.
- e. The Center/Campus Director's decision shall be made on the basis of whether it is more likely than not that the accused student violated the Student Code.
- f. The only record which shall be made of an administrative hearing is the written decision of the Center/Campus Director, which will be maintained in the student's personal file at the student's home center.

2. Associate Dean Hearings

- a. The accused student shall receive a letter from either the Associate Dean of Undergraduate Studies or the Associate Dean of Graduate Studies stating the alleged violation(s) of the Student Code. Included in the letter shall be the date, time, and place of the hearing.
- b. The accused student is strongly encouraged to meet with the appropriate dean prior to the hearing to review hearing procedures, to review the student's basic rights at the hearing, to inform that dean of any witnesses he/she expects to have present, to indicate any evidence he/she plans to present and if chosen by the student, the name of an advisor from the university community who will be present with the student.
- c. These hearings are conducted in private, with only the participants and advisor(s) being present. Admission of any other person to the

hearing shall be the decision of the Associate Dean in charge of the hearing.

- d. In hearings involving more than one accused student, the appropriate Associate Dean, at his/her discretion, may permit hearings concerning each student be conducted separately.
- e. Pertinent records, exhibits and written statements may be accepted as evidence for consideration at the hearing at the discretion of the Associate Deans.
- f. All procedural questions related to the hearing are subject to the final decision of the Associate Deans.
- g. The only witnesses permitted to present testimony at the hearing will be those persons with direct (not second-hand or hearsay) knowledge about the events or matters under consideration by the Associate Deans. The number of witnesses will be determined by the Associate Dean in charge of the hearing.
- h. An accused student may have an advisor of his/her choosing from within the university community present at the hearing. The advisor may be selected from faculty, staff, and students. The advisor shall not participate directly in any aspect of the hearing. The advisor may only address the accused student. It is the student's responsibility to present all aspects of his/her own defense.
- i. There may be a single verbatim record in the form of a tape recording of the hearings, not including the deliberations. The record shall be held in confidence and shall be the sole property of the University.
- j. After the hearing, the Associate Dean involved shall determine whether the student has violated the Student Code and, if appropriate, a sanction(s) for such violation. The Associate Dean's decision shall be on the basis of whether it is more likely than not that the accused student violated the Student Code. The Associate Deans of the College of Graduate and Professional Studies shall communicate in writing his/her decision to the accused student (s).

D. INTERIM SUSPENSION

- 1. Interim Suspension may be imposed only: a) to ensure the safety and well-being of members of the university community or preservation of university property; b) to ensure the student's own physical or emotional

- safety and well-being; or c) if the student's presence is viewed as either dangerous to persons or property, or disruptive to normal campus/center functions or to members of the university community.
2. During the Interim Suspension, a student is denied access to all Franklin Pierce University CGPS centers and the Rindge campus unless otherwise indicated and/or all other university activities or privileges for which the student might otherwise be eligible, as the Dean of the College of Graduate and Professional Studies or his/her designee may determine to be appropriate.
 3. The student may return to a satellite center at the appointed time for his/her hearing or at such time as the Dean of the College of Graduate and Professional Studies deems appropriate.

E. THE APPEAL PROCESS

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

1. **The Appeal Authority**

- a. Appeals presented from cases heard by a Center/Campus Director are directed to the Associate Dean of Undergraduate Studies for undergraduate cases and the Associate Dean of Graduate Studies for graduate cases.
- b. Appeals presented from cases heard by the Associate Dean of Undergraduate Studies are directed to the Dean of the College of Graduate and Professional Studies.
- c. Appeals presented from cases heard by the Associate Dean of Graduate Studies are directed to the Dean of the College of Graduate and Professional Studies.

2. **Grounds for Appeal**

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

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

3. Process for Administrative Appeals

An administrative appeal is one, which is heard by a Center/Campus Director, the Associate Dean of Undergraduate Studies, the Associate Dean of Graduate and Studies, The Vice President of Student Affairs, the Provost or the President of the University.

- a. The appeal must be in writing and must state the specific ground(s) for appeal.
- b. The appeal must be delivered to the appropriate Appeal Authority.
- c. The Appeal Authority shall determine what evidence, documentation, etc. is necessary to consider the appeal. The Appeal Authority will not normally meet with the student presenting the appeal; thus, the written appeal should be thorough and complete.
- d. If sufficient grounds for appeal are evident, the Appeal Authority will take action on the appeal. Choices of action are to sustain, decrease, increase, modify, or void the sanction. When circumstances warrant, as determined by the Appeal Authority, the case may be referred back to the original level of judicial system for review of the case (e.g. where new evidence exists, which was not available at the time of the original hearing) or the he/she may choose to have the case reheard (e.g. the original hearing was unduly biased). Whenever a case is referred back to the original hearing officer, the original sanction, unless modified or vacated by the Appellate Authority, will remain in full force and effect, pending such further review or rehearing. The outcome of the new hearing, whether by the original hearing officer or a new one, becomes the final decision on the case.

- e. If sufficient grounds for appeal are not evident, the Appeal Authority will identify this to be the case, and the appeal will not be heard, the original sanction will stand.

4. Status Of A Student During An Appeal

Normally the sanction shall be in effect immediately and remain in effect, pending the appeal process. Any exception to this may only be made with the approval of the Dean of CGPS for cases at CGPS locations and shall only be made for rare and extenuating circumstances.

Should the sanction be to separate a student from the University (University Suspension or University Expulsion), the Dean of the College of Graduate and Professional Studies in consultation with the appropriate Center Director for CGPS, may allow a student to continue in classes if the student is not seen as a threat or danger to any member of the university community, or as a source of disruption to the normal operations to the university community. This provision is to prevent the assumption of the resolution, of the appeal process. Should the appeal process result in the original sanction being upheld, the student will be withdrawn from all enrolled classes as of the date of the original sanction, in accordance with policy recommended by the University's Academic Standards Committee.

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F. SANCTIONS

1. Determination of an appropriate sanction shall be based upon the seriousness of the violation and the student's previous disciplinary record. Students are expected to learn sufficiently from the disciplinary process so as not to have repeated violations of the Student Code. Should a student repeatedly violate other sections of the Student Code, the minimum sanction imposed would be at least as severe as the previous sanction.
2. Repeated violations of policies relating to possession/consumption of alcohol or irresponsible use of alcohol will result in progressively more severe sanctions. Sanctions will generally result in: a warning and educational sanction for first offense, and university suspension for an additional offense.
3. Violations relating to damage and/or vandalism will result in restitution.
4. Violations regarding the false activation of a fire alarm system may result in fines determined by the town in which a CGPS center is located.

5. More than one sanction listed below may be imposed for any single violation.
6. With the exception of University Expulsion, disciplinary sanctions shall not be recorded on the student's permanent academic transcript, but shall become part of the student's personal record maintained at the student's home center. Upon graduation, the student's personal record may be expunged of disciplinary sanctions with the exception of University Expulsion, upon written application by the student to the Dean of the College of Graduate and Professional Studies.
7. Failure to comply fully with the conditions of any imposed sanction shall lead to more serious disciplinary action, including the possibility of suspension or expulsion from the University.
8. A written record of all disciplinary sanctions issued to a student will be maintained in the student's personal record maintained at the student's home center with copies sent the appropriate Dean's office.
9. The following sanctions may be imposed upon a student who has violated the Student Code.
 - a. **Written Warning** consists of formal notification that the student has violated the Student Code and advises that repetition will result in a more severe sanction. A written record of the warning is made.
 - b. **Educational Sanction** is a non-punitive sanction usually imposed in conjunction with another sanction. Educational sanctions may include, but are not limited to, professional counseling, The educational sanction must be completed within the manner and time stated as part of the sanction.
 - c. **Restitution** is full payment for the cost of damage(s), as determined by the University, of materials and labor for repair or replacement of damaged, destroyed, or stolen college property.
 - d. **Fines** may be assessed by the University for certain actions such as (but not limited to) false activation of a fire alarm.
 - e. **Censure** is an official reprimand for violation of the Student Code repeated violations of the Student Code shall result in a more severe sanction; may be attached to the loss of specified privileges; an educational sanction is normally attached to Censure.

- f. **Conduct Probation** is a serious reprimand for a violation of a specific university policy. The loss of specified privileges may also be involved. Conduct Probation is for a specified period of time, and more severe disciplinary sanction(s) will be imposed should the student further violate any college policy.

- g. **University Suspension** is a separation of the student from the University and all university premises, for a specified period of time, or until certain predetermined conditions are met. Readmission after university suspension is not automatic and must have the approval of the Dean of the College of Graduate and Professional Studies.

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

H. RINDGE STUDENTS TAKING COURSES ON THE COLLEGE OF GRADUATE AND PROFESSIONAL STUDIES CCENTERS

Rindge students who take courses on the College of Graduate and Professional Studies centers are expected to fully comply with the Student Code of Conduct described in this document. CGPS administrators will work together with the Assistant Dean of Student Affairs and the Vice President for Student Affairs at the Rindge campus to determine appropriate sanctions if necessary involving these students and their relationship both with the College of Graduate and Professional Studies and their home campus in Rindge.

Likewise, the College of Graduate and Professional Studies students taking courses on the Rindge campus are expected to fully comply with the Student Code of Conduct applicable to Rindge students. CGPS administrators will work together with the Assistant Dean of Student Affairs and the Vice President for Student Affairs at the Rindge campus to determine appropriate sanctions if necessary involving these students and their relationship both with the Rindge campus and their identified College of Graduate and Professional Studies home center.

I. REVIEW BY PRESIDENT OF THE UNIVERSITY

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

10. **Violation of published university policies, rules and regulations.**

Included in this policy but not limited to are:

- a. All regulations contained within the Student Handbook, University Catalog, Code of Conduct and any other university publication.
- b. The University Honor Code. The signing of this document is ceremonial. In accepting admission and matriculating in the university, one agrees to uphold and abide by the Honor Code. It is every student's responsibility to read, understand and abide by these principles.

Campus Crime Report:

The Franklin Pierce University Crime Report has been compiled in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act. The booklet is available in hard copy at Campus Safety, in the St. Peter's building, College Road, Rindge NH 03461. GPS Campus specific information is available in electronic form at:

http://eraven.fpc.edu/cst/campus_safety/crime_awareness.htm.

If you have any questions please contact: Stuart Mitchell
Director of Campus Safety
603-899-4210

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