

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.

Off-Campus Study

Students who participate in any university or university-affiliated program off the Rindge Campus (i.e. Study Abroad, The Walk, Internships) are subject to student conduct regulations described in this **Code of Conduct**, in addition to any laws governing the country where they are studying. Authority for the code may be delegated to Field Directors/Advisors by the Associate Dean of Student Affairs. In addition, students attending foreign universities are also subject to the conduct regulations of that university.

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. (See Academic Catalogue: "Plagiarism or Other Forms of Cheating").
 - b. Furnishing false information to or withholding pertinent information to an investigation from any University official, faculty member or office.
 - c. Forgery, alteration, or misuse of any University document, record, or instrument of identification.
 - d. Tampering with the election process of any University-recognized student organization.
2. **Physical abuse** to include any physical act which is abusive, intimidates, threatens or endangers the physical health or safety of any person. Included in this regulation are all actions which constitute sexual assault,

including incidents of sexual penetration, sexual fondling, forced unclothing of another individual, or other coerced sexual acts. "Sexual Assault" is defined as any form of sexual conduct without the full consent of the victim(s). Any form of unwanted touching is also considered 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're 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 campus 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" of a residence hall entrance door, the removal of screens from windows, breaking glass outside of buildings, blocking fire egresses, dismantling locks or other building safety equipment, 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(s)** 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, residential living, 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.

Additionally, the University has designated certain residence halls (such as Mt. Washington, New Hampshire, Granite, Monadnock, Edgewood, and Cheshire) as alcohol-free, or as "dry," as these buildings primarily house students under 21. No student, regardless of age, may possess or consume alcoholic beverages in these buildings or other residential areas designated by the Director of Residential Life.

- b. Open containers of alcohol are prohibited in public areas (i.e. residence hall lounges, hallways, stairwells, parking lots, courtyards, etc.).
- c. Intoxication as exhibited by impaired behavior or excess consumption that could cause personal injury is prohibited and will subject the student to disciplinary action.
- d. Common sources of alcohol are prohibited by the University. "Common source" is defined as a large amount of alcohol present which is in excess, or beyond a reasonable amount, for the number of people present who are 21 years of age or older. Common sources include, but are not limited to kegs, beer balls, and "around the world parties." This regulation is due to the University's recognition that too often common sources of alcohol contribute to irresponsible consumption and associated negative behaviors.
- e. Consumption of alcohol should at all times be responsible. Therefore, the University will not tolerate irresponsible and potentially dangerous actions such as, but not limited to, the use of "funnels," drinking contests/games, "keg stands," "beer pong tables," etc. Devices for this purpose will be confiscated by the University. [See Student Handbook confiscated items]

- f. All policies related to social gatherings (parties) involving alcohol in the residence halls or the Raven's Nest are administered by the Director of Residential Life (for residence halls) or the Assistant Dean for Student Involvement and Co-Curricular Programs (for Raven Nest). Students shall adhere to these stated policies. The University may prohibit social gatherings in designated residence halls without warning.
- g. 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 #22 below for further clarification of what is expected.
- h. 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.
- i. Providing, distributing or selling alcohol to a person under the age of 21 or a person impaired by alcohol is prohibited.
- j. Alcohol Education Policy-Franklin Pierce University's policy is clear with regard to a student's possession/use/abuse of alcohol and any controlled substance. Respecting state and federal laws, the University's policies govern alcohol use on university premises and at off-campus events sponsored by the university. The University is also fully committed to the education of students in all aspects of their lives. Therefore, as a part of the University's Student Code, the University is governed by the following.

Any student, who is involved in a violation of university policy related to the student's possession/use/abuse of alcohol or controlled substance, may be required to enroll in the following program in addition to any disciplinary sanction issued:

1. The student shall be required to attend an on-campus educational program related to alcohol/drug use and abuse;

2. Attendance at the educational program must comply with the date indicated by the judicial body issuing the sanction;
 3. Any cost associated with any educational program (Approximately \$100.00), is the responsibility of the student and must be paid before the assigned date of attendance at the workshop (the fee will be used to cover the cost of the program as well as campus-wide educational activities);
 4. The student may be required, in addition to the educational program, to meet with an outside mental health professional for an assessment of his/her alcohol use. The student shall be required to comply with the recommendation(s) of the provider. It will be up to the student to make all the arrangements.
 5. Any student who fails to complete the above, or who does complete the above and again violates the University's alcohol policy, shall expect further disciplinary action which may include suspension from the residence halls, or for commuter students, suspension from non-academic activities, or suspension from the university.
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 #22 below. This provision also applies to actions of a student's guest(s), as specified in paragraph #21 below.

8. **Theft**, or attempted theft, of property, belonging to the University, a member of the university community, or a campus guest is a violation of the Student Code. Included in this policy is the removal of university property from its designated place (e.g., removal of lounge furniture to a student's room).
9. **Illegal entry**, entering into a student's room or other unauthorized location by a student or student's guest, without the permission of one or more residents of the room or approved personnel is a violation of the Student Code.
10. **Vandalism**, damage to, or attempted damage to property belonging to the University, a member of the university community, or a campus guest is an offense to the community and violation of the Student Code. Included in this policy is the "trashing" of public areas.
11. **Misuse or abuse of fire safety equipment**, including the activation 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 when a fire alarm is sounding. Students may be fined for activation of an alarm system as established by the town ordinance (see Article IV, Section G, number 4).
12. **Possession or use of firearms, other weapons, or explosives**, is not permitted on any campus location. Violation of this policy is considered a serious offense and may lead to immediate separation from the university. Examples of weapons or explosives includes, but is not limited to: fireworks, handguns, rifles, pellet guns, BB guns, swords, bow and arrow, martial arts weapons, brass knuckles, small pocket knives, sling shots, pellets, bullets, ammunition, etc. The University does not store such weapons or explosives nor may they be stored in vehicles, apartments, or any other place on campus.
13. **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 by producing a Franklin Pierce student identification card when requested to do so is a violation of the Student Code.

14. **Abuse of the Judicial System.** This policy shall include, but not be limited to:
 - a. Failure to obey the summons of a judicial body or university official;
 - b. Falsification, distortion, or misrepresentation of information before a judicial body;
 - 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 system;
 - f. Harassment (verbal or physical) and/or intimidation of a member of a judicial body or witness prior to, during, and/or after a judicial proceeding;
 - g. Failure to comply fully with the sanction(s) imposed by a judicial body under the Student Code; and or
 - h. Influencing or attempting to influence the integrity and/or the impartiality of a member of a judicial body or witness prior to, and/or during the course of the judicial proceedings.
15. **Motor vehicle regulations,** as published by the Office of Campus Safety.
16. **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.
17. **Violation of published University policies, rules, or regulations.** Included in this policy, but not limited to are:
 - a. All regulations published by Residential Life or Judicial Affairs such as, quiet hours, registration of guests, residence halls closing, spring weekend policies, senior week policies, etc.
 - b. All regulations contained within the College at Rindge Student Handbook, University Catalog, College at Rindge Code of Conduct and any other University publication.
 - c. 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.
 - d. Smoking is prohibited within 10 feet of any dwelling egress or window. [passed by SGA, 2003]

18. **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.
19. **Participation in a campus 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 campus.
20. **Theft or other abuse of the University's technological equipment or services (i.e. computers, services, 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.
21. **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.
22. **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 campus community. All students are expected to behave in a responsible manner while enrolled 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 violation of federal, state, or local law, this may constitute a violation of the Student Code (see #18 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 a judicial body 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.