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Preamble

Nichols College seeks to promote the pursuit of activities that contribute to the intellectual, ethical and physical development of the individual student as well as ensuring the safety of persons engaging in those pursuits. In accordance with its responsibilities as an institution of higher education and upon the approval and acceptance by the President of the College, Nichols College establishes policies of student conduct and regulations for the use of its facilities. Therefore, it is expected that students will conduct their affairs with proper regard for the rights of others and of the College. All members of the College community share a responsibility for maintaining an environment where actions are guided by mutual respect, integrity and reason. Nichols College students are both citizens and members of the academic community.

In seeking to encourage and support responsible behavior, Nichols College places reliance upon self-discipline, counseling, and advisement. In certain circumstances where these preferred means fail, Nichols College must rely upon the rules and procedures described in this Code. In the enforcement of this code, Nichols College functions in an administrative manner and does not follow the traditional common law adversarial method of a court of law.

NOTICE: The reader should take notice that while every effort is made to ensure the accuracy of the information provided herein, Nichols College reserves the right to make changes at any time without prior notice. The College provides the information herein solely for the convenience of the reader, and, to the extent permissible by law, expressly disclaims any liability which may otherwise be incurred.

Nichols College students are responsible for knowing the information, policies and procedures outlined in this document. The College reserves the right to make changes to this code as necessary and once those changes are posted online, they are in effect. Students are encouraged to check the Nichols Portal for the updated versions of all policies and procedures. The Student Code of Conduct is not an exhaustive list of the College's policies and procedures, nor an exhaustive overview of applicable local, state, and/or federal laws.

Nichols College Mission Statement

Within a supportive community, Nichols College transforms today's students into tomorrow's leaders through dynamic, career-focused business and professional education.

To support its mission, Nichols College

- Offers an experiential business curriculum with a strong liberal arts foundation, as well as diverse co-curricular opportunities.
- Integrates into the student experience programs and activities that cultivate and enhance professional skills and readiness.

Develops the communication and critical thinking abilities, the ethical and cultural perspectives, and the necessary teamwork skills that are required of leaders in a global economy.

Institutional Core Values

Leadership: Nichols distinctively integrates, empowers, and influences all students, faculty, and staff, with the capacity to learn, lead, and succeed.

Integrity: Nichols is ethically driven and community minded while fostering trust, civility, and respect.

Initiative: Nichols empowers students, faculty, and staff to take action and actively seek opportunities to better themselves and their community.

Accountability: Nichols creates a foundation of social responsibility to foster individuals who recognize how their actions affect others and the surrounding community.

Excellence: The unique Nichols experience takes place in a dynamic environment in which personal and community excellence is developed and enhanced.

Collaboration: Nichols promotes an environment of teamwork and idea sharing, with the belief that community members who work together produce the best results.

Diversity: Nichols respects and values individual differences and is committed to an inclusive and welcoming environment where all can succeed and thrive.

Official College Communication

Email is the official communication of Nichols College. It is the policy of the College that official communication occurs via the Nichols College email system. Students are responsible for monitoring their Nichols College email regularly as important information is disseminated by that means.

Terminology and Definitions

Business Days/hours: to mean Monday through Friday 8:30am-4:30pm

The College: is to reference Nichols College

College Official: any employee or designee who performs assigned administrative responsibilities on behalf of Nichols College

The Community: is to mean Nichols College, students, faculty, and staff

Conduct Administrator: A College Official who is authorized to determine the appropriate resolution and outcome of an alleged violation of the Student Code of Conduct. Conduct Administrators are given the authority to investigate incidents, assess potential violations, determine finding/outcomes, and impose sanctions.

Designee: an individual that is given full authority, rights, and responsibilities by Nichols College

Finding: The outcome/decision of the Conduct Process resulting in a student either being responsible or not responsible for a violation of the Student Code of Conduct

The Institution: to mean Nichols College

Jurisdiction: The right, authority, or extent to administer the Student Code of Conduct and Student Conduct Process in response to student behavior

Policy: the written regulations, standards, and student conduct expectations

Preponderance of evidence: the standard of proof that is utilized to determine responsibility for violations of the Student Code of Conduct. The superiority in weight of information that is more convincing. In other words, what is more likely than not to be correct.

Reporting Party: an individual or group, including Nichols College who report an incident or act that allegedly violates a policy, procedure, or code of conduct ¹ see Complainant footnote

Respondent: a student or student organization allegedly in violation of a policy, procedure, or code of conduct

Sanctions: penalties imposed by a Conduct Officer in response to violation(s) of the Student Code of Conduct meant to direct and address appropriate behavior and Community Standards

Student: any person(s) notified of acceptance, admitted, or enrolled in any course or program offered by the College

Student Organization: an association or group of persons that have complied with formal requirements and are recognized by Nichols College

¹ In certain circumstances the term Complainant may also be used in place of the term Reporting Party

Applicability of the Code

Jurisdiction

Nichols College extends conduct jurisdiction to all behavior by any person(s) admitted or enrolled in any course or program offered by the College. Additionally, the Student Code of Conduct applies to individuals who have been notified of acceptance to Nichols College. It extends to any recognized student organization, which is responsible for compliance with College policy, rules and regulations. The Student Code of Conduct is established to promote student conduct that does not adversely affect the educational mission of the College.

The Student Code of Conduct may be applied in cases of conduct:

- Occurring on campus or properties leased by the College
- Involving College related personal property
- Occurring during participation or attendance of any College-related activity
- Occurring online, via email or another electronic medium. *Students should be aware that online postings such as blogs, web postings, chats and social networking sites are in the public sphere and are not private. While the College does not regularly search for this information, it may take action as necessary when such information is brought to the attention of a College official.*
- In which the College has a clear and distinct interest as an academic institution regardless of where the conduct occurs, and which threatens (A) any educational process or legitimate function of the College or (B) the health and safety of any member of the academic community

Conduct Authority

The Dean of Students or designee shall determine the conduct and appellate process and determine which Conduct Administrator shall be authorized to hear each case.

The Dean of Students shall develop policies for administering the conduct system and procedural rules for facilitating hearings that are consistent with the provisions of the Student Code of Conduct.

Decisions made by the Conduct Administrator shall be final, pending the normal appeal process.

The Dean of Students may be designated as arbitrator of disputes within the student community in cases that do not involve a violation of the Student Code of Conduct.

The Dean of Students or designee has the discretion and authority to modify the Student Code of Conduct policies and procedures at any time or as required by law. Once changes are posted, they are considered active and in effect.

Administrative Action

Nichols College tasks members of the Public Safety and Residential Life staffs with maintaining environments conducive to living and learning. To this end, staff members may take immediate action in response to a given situation. The instructions of a staff member acting in the fulfillment of their duties are to be followed. Failure to follow these instructions is a serious breach of the Nichols College Student Code of Conduct and will result in a referral to the Office of Community Standards.

Administrative Search: The College reserves the right to have College Officials enter and/or search rooms, buildings, suites, apartments, halls, or other areas where there is reasonable suspicion of policy violations, illegal activity, and/or unsafe situations. College Officials have the authority to confiscate any unauthorized items. Confiscated items, in many cases, will not be returned regardless of ownership. In addition, an Administrative Search Directive may be ordered by the Dean of Students or designee.

Routine Entry or Inspection: College Officials reserve the right to enter all campus premises on a regular basis in order to address and ensure the health and safety of individuals. The Office of Community Standards reserves the right to assign violations of the Student Code of Conduct to individuals, regardless of the fact that the violation is observed during a routine entry or inspection.

Violations of the Law

Alleged violations of federal, state and local laws may be investigated and addressed under the Student Code of Conduct. The College reserves the right to initiate conduct investigations regardless of the possibility of a criminal case. The Office of Community Standards may, at its discretion, delay conduct investigations in cases where a criminal case is pending.

Nichols College reserves the right to exercise its authority of interim suspension upon notification that a student is facing criminal investigation and/or complaint. Interim suspensions are imposed until a hearing can be held. **The suspended student may request a meeting with the Dean of Students to show cause why the interim suspension should be lifted.** This meeting may resolve the allegation or may be held to determine if the interim suspension should be continued. The interim suspension may be continued if a danger to the community is posed or perceived. The College may be delayed or prevented from conducting its own investigation and resolving the allegation by the pendency of the criminal process. In such cases, the College will only delay its hearing until such time as it can conduct an internal investigation or obtain sufficient information independently or from law enforcement upon which to proceed.

Student Rights Within the Code of Conduct

In exercising these rights, students are expected to maintain mature attitudes and must bear the responsibility to act in accordance with local, state, and federal laws, as well as those of the College. No right specified here is meant to be construed as enabling students to infringe upon the individual rights of another member of the community.

- The right be informed of the Community Standards and expectations established through the Student Code of Conduct and College policies.
- The right to be presumed not responsible until determined to be in violation of the Student Code of Conduct.

Note: Certain circumstances might require the College to impose sanctions or restrictions pending a hearing or outcome of the Student Conduct Process.

- The right to be notified of a Referral to the Office of Community Standards and to be notified of any potential violations.
- The right to accept outcomes for Informal Resolutions or to request a Conduct Conference.
- The right to be notified of allegations at least three (3) business days in advance of a formal hearing (Conduct Hearing, Conduct Board) unless waived by the student or revoked by the College for the sake of expediency in serious matters involving the safety or well-being of the College community. In certain circumstances additional infractions may be revealed as the Student Conduct Process progresses. The College reserves the right to assess new violations regardless of violations noted in the original notification.
- The right to be heard at a Conduct Hearing unless the right is waived by a student during a Conduct Conference (depending upon the severity of the violations and the discretion of the appropriate College officials, particularly the Dean of Students).
- The right to accept or reject responsibility for alleged violations of the Student Code of Conduct.
- The right to request an appeal for outcomes of Conduct Hearings and Conduct Boards. Only sanctions may be appealed for Conduct Conferences.
- The right to be notified of your outcomes of the Student Conduct Process.
- The right to benefit from an equitable process free from discrimination on the basis of race, color, religion, national origin, ancestry, sex, age, marital status, familial status, sexual orientation, gender identity and expression, genetic information, disability, or military status.

Reporting an Incident

The following is a list of ways to report an incident:

1. **Report an Incident in Person**

- Visit the Student Life Suite located on the third floor in the Fels Student Center
- Visit Public Safety located on the lower level of the Auditorium Building. Entrance is around the left side of the building. Public Safety is available 24 hours a day, 7 days a week for students to report incidents. Students can call 508-213-2298 or stop by the Public Safety Department.
- Report an incident to Resident Assistants or Area Coordinators
- Visit any Nichols College Employee to report. All employees are considered mandated reporters.

2. **Refer an incident to the Office of Community Standards Electronically**

- by visiting <https://hub.nichols.edu/departments/community-standards> and clicking on the boxes on the right hand side
- email the Office of Community Standards at Community.Standards@nichols.edu
Note: The Office of Community Standards email is only checked during normal business hours 8:30am-4:30pm. **Emergency information and/or incidents should not be emailed.**

3. **Report an Incident of Sexual Misconduct, Title IX, or Discrimination Electronically**

- by visiting <https://www.nichols.edu/student-life/policies> and click on the Orange box on the right hand side
- Copy and paste https://cm.maxient.com/reportingform.php?NicholsCollege&layout_id=9 into your browser
- use the QR code



All incidents are referred to the Office of Community Standards² for review and a determination will be made if a student's actions constitute any potential violations of the Student Code of Conduct. Though anonymous complaints/reports are permitted, doing so may limit the Office of Community Standards' ability to investigate and respond to a complaint. Those who are aware of misconduct are encouraged to report it as quickly as possible to the Office of Community Standards. There is no time limit on reporting a violation of the Student Code of Conduct; however, the longer an individual wait to report an incident, the harder it becomes for College Officials to obtain information and make determinations regarding any alleged violations.

² Except for instances of Sexual Misconduct, Title IX, or Discrimination that are referred directly to the Title IX Coordinator

lounges, lobbies, campus grounds, athletic fields/buildings, academic buildings, and dining hall. Alcohol placed in another container is considered an open container.

e. Public intoxication

Defined as any behavior resulting from the over-consumption of alcohol and/or drug which causes a disturbance, is dangerous to the individual, others, and/or property or in any way requires the attention of College Officials.

g. 21+ in a dry room

Alcohol is not permitted at any time in a residence hall room, suite, or apartment if all assigned residents are not of the legal drinking age of twenty-one (21). An individual over the age of twenty-one (21) carries the responsibility of only consuming/possessing alcohol in rooms that are deemed "wet" by all assigned residents being over the age of twenty-one (21).

h. Providing alcohol to those underage

Individuals over the age of twenty-one (21) are prohibited from knowingly or intentionally supplying/giving alcohol to a person under the age of twenty-one (21) or for failing to restrict access to alcohol.

i. Providing means/location of alcohol to those underage

Residents over the age of twenty-one (21) are not permitted to allow individuals under the age of twenty-one (21) to possess and/or consume alcohol in the residence hall room, suite or apartment to which they are assigned. In other words, residents will not allow individuals under the age of twenty-one (21) to possess and/or consume alcohol in their assigned room.

j. Hard alcohol

Defined as any liquid containing 15% or 30 proof alcohol or above

k. Exceeding alcohol limits

Students who are twenty-one (21) years of age or older may have in their possession no more than the following amounts at any time. Students may not have both the limit of beer/malt or wine permitted.

- 1 case of beer (30, 12 oz cans) or (24, 12 oz bottles) of malt beverage

OR

Up to 5 liters of wine

l. Drinking games/means to mass consumption

Games and activities in which the sole purpose/origin is to promote heavy alcohol consumption or the possession and/or use of items that encourage heavy alcohol consumption are prohibited regardless of age

m. Failure to comply during an incident involving alcohol

The refusal to act in accordance with requests or directions of a College Official during the performance of duties. This includes but is not limited to, refusing to provide identification, giving false information, disrespectful, foul/abusive language or gestures, refusing to leave the scene of an incident when directed, and general noncooperation.

n. Dry campus state of emergency

- b. Causing the evacuation of a building
- c. Unauthorized use or possession of explosive components, chemicals, etc., such as fireworks, explosives, gas or compressed air
- d. Tampering with, improper use, or causing malfunction of fire/safety equipment or alarm systems
- e. Creation of a fire hazard or other dangerous conditions
- f. Smoking/vaping in any College-owned building, including residence halls and/or smoking within 25 feet of a building
- g. Getting on roofs
- h. Providing a Nichols College issued key and/or identification card to another individual
- i. Failure to report a lost/stolen key or identification card
- j. Use of windows as entrances or exits to a building
- k. Failure to evacuate during a fire alarm

10. Guest Policy

Refer to the Nichols College Guest Policy for the full terms of the policy.

- a. **Violating any terms of the Nichols College Guest Policy**

11. Hate Crimes

According to Massachusetts State Police and Law Enforcement, a hate crime is “any criminal act to which a bias motive is evident as a contributing factor. The Reporting Act covers bias on account of race, religion, ethnicity, handicap, gender, or sexual orientation. Hate crimes can be reported only by law enforcement agencies.” Hate Crimes may include but are not limited to murder, sex offenses, aggravated and simple assault, theft, arson or any other crimes that involve bodily injury to a person.

12. Hazing

The Nichols College Hazing Policy in accordance with the Massachusetts Legislature Section 17-Section 19 can be found in the full Nichols College Hazing Policy. Nichols College will not tolerate any instance of hazing among students. Hazing is defined as any intentional or unintentional action taken or situation created to produce mental or physical discomfort, embarrassment, harassment, or ridicule for the purpose of initiation, ritual, tradition, admission or as a perceived condition of continued membership. The expressed or implied consent of an individual is not viewed as a defense. Failing to intervene, prevent, or report may also violate this policy.

Such activities and situations include, but are not limited to:

- Any activity that causes or requires an individual to violate the Student Code of Conduct.
- Any activity requiring the consumption of food, liquid, alcohol, drugs, or other substance.
- Any physical activity such as extended deprivation of sleep, forced calisthenics, exposure to weather, extended confinement or isolation, exercise or other activity that subjects an individual to a risk of harm or that adversely affects the mental or physical health or safety.

- Any activity that intimidates and threatens an individual with ostracism, that subjects an individual to mental stress, embarrassment, shame or humiliation, or that adversely affects the mental health and/or dignity.
- Any type of physical or mental brutality including, but not limited to whipping, beating, striking, branding, or placing a harmful substance on the body.

13. Injustice to Others

a. **Murder and non-negligent manslaughter**

The willful killing of one human being by another

b. **Negligent manslaughter**

The killing of another person through recklessness

c. **Attempt to Murder**

d. **Assault on a College Official or designated agent**

e. **Aggravated Assault**

The unlawful attack on an individual for the purpose of inflicting severe bodily injury usually involving a weapon

f. **Physical Assault**

The intentional use of force or violence against another, such as punching, striking, forcibly grabbing, or pushing a person; also referred to as a simple assault. *Individuals who can be identified as the aggressor during a physical altercation will be placed on "interim suspension" (see interim suspension in the Code Sanctions list and the Interim Suspension section of this code) College Officials reserve the right to place any student involved in a physical assault on "interim suspension".

g. **Foul/abusive language or gestures to Nichols College official or designated agent**

h. **Threats of violence towards an individual**

Intentionally placing a person(s) in reasonable fear of imminent physical harm; also referred to as

i. **Intimidation or Harassment**

Conduct which creates a hostile or offensive environment. Implied threats or acts that cause a reasonable fear of harm.

j. **Bullying**

Defined as the continual use of written, verbal, or electronic communication, physical act or gesture directed at an individual or group that causes the following, but not limited to:

- physical harm and/or damage to personal property
- places the person(s) in reasonable fear of harm to self or property
- creates a hostile, threatening, intimidating, humiliating, or abusive environment or situation

k. **Verbal Abuse**

The excessive use of language to undermine, control, or humiliate an individual

l. **Conduct which endangers the health and safety of an individual**

m. **Conduct that threatens or conduct that can be construed as threatening**

n. **Act of Intolerance**

Defined as *any act directed against a person or a group which has the effect of creating an offensive, demeaning, intimidating, or hostile environment for the person or group targeted as well as others in the*

- Parked in a No Parking Zone
- Parked on Sidewalk or Grass
- Parked in Reserved Area/Space
- Blocking Parked Cars/Dumpsters
- Parked in Fire Lane
- Blocking Emergency Entrance/Exit
- Parked in a Handicapped Space

d. Violation of motor vehicle policies

Vehicles must only be driven on roadways. No vehicle is to be driven on sidewalks, walkways, grass, or through designated “no vehicles allowed” areas.

e. Failure to move a parked motor vehicle

In the event of a snow emergency, resident and commuter students should refer to official campus notifications sent to their primary Nichols email account. Included in this communication will be any emergency parking regulations. Students should be sure to follow these regulations carefully in order to make the emergency go as smoothly as possible. Nichols College reserves the right to tow any vehicles that have not been moved as detailed in the notification. Students whose vehicles need to be towed will be charged \$100.00 to the student’s account.

16. Residence Life Policy

Reference the full Residence Life/Hall Policy for further details.

- Animals/pets in residence halls**
- Disposal of items out of windows**
- Early/unauthorized arrival and/or entry to residence hall**
- Excessive Lockouts**
- Hall sports**
- Improper checkout (see section T of the Housing License Agreement)**
- Monuments to alcohol**
- Noise/Quiet Hours Violation**
- Possession of prohibited items/materials**
- Propping a door to a residence hall**
- Allowing an individual to reside in any Residence Hall space that has not been assigned by the Office of Residence Life**
- Removal of college owned property from residence hall**
- Room alterations**
- Significant interference with the normal residential life of others**
- Solicitation and/or illegal posting in the residence halls**
- Storing empty alcohol containers**

Storing of empty alcohol bottles or cans is not permitted and must be disposed of immediately and properly.

D. Conduct Hearing

A Conduct Hearing will occur after three (3) business days from notification to the student, unless otherwise requested by the student in writing. At the hearing, the respondent will have the opportunity to provide information pertaining to the incident and the alleged violations. The Conduct Administrator will consider the information and use a preponderance of evidence to determine the finding following the Conduct Hearing. Sanctions will be assigned, and the respondent will be notified. The student has the right to request an appeal of the findings and the sanctions outcomes for a Conduct Hearing. See the Appeal Process on page 25 of the Student Code of Conduct.

E. Conduct Board

The College reserves the right to invoke the use of a Conduct Board for major violations of the Student Code of Conduct. A Conduct Board consists of up to five College Administrators including Faculty and Staff. Similar to a Conduct Hearing, the respondent will have the opportunity to provide information/witnesses pertaining to the incident and the alleged violations. A respondent has the right to bring in an Advisor to the Conduct Board Hearing. However, the College reserves the right to set forth policies on Advisor involvement. The Conduct Board will consider the information and use a preponderance of evidence to determine the finding. Sanctions will be assigned if there is a Responsible Finding. The respondent will be notified. The student has the right to request and appeal of the findings and the sanctions outcomes for a Conduct Hearing. See the Appeal Process on page 25 of the Student Code of Conduct.

F. Hearing in Absentia⁶

If a student fails to appear for a Conduct Conference, Conduct Hearing, and/or Conduct Board, the Conduct Administrator will go forward with a review of the incident and determine an outcome and possible sanctions in the student's absence. In this case, the student forfeits the right to appeal. Any sanctions rendered are in affect at the time of the case closure.

Advisors in the Process

A student may choose to have an Advisor present for Conduct Hearings or Conduct Boards. An Advisor can be a parent/guardian, a member of the College Community, or other individual as long as the individual is not legal counsel. Note: Title IX Investigations do not limit the choice of Advisor. The student must speak on their own behalf. The Advisor is not permitted to participate in the hearing; rather they will lend personal support to the student.

⁶ Cases which alleged violations of the Nichols College Sexual Misconduct Policy or the Nichols College Title IX Sexual Harassment may not be heard in absentia, but will proceed under the procedures outlined in those separate policies.

Advisors are:

- Not permitted to address the Conduct Administrators while the hearing is in session.
- Not permitted to speak with or question the opposing party or any other involved individuals.

Student Conduct Authorities

A. Dean of Students

The Dean of Students, in regard to Student Conduct has the following roles and authorities including but not limited to:

1. Determining the conduct and appeal process for certain cases, including assignment of Conduct Administrators to cases.
2. Developing policies and procedural rules for cases of student conduct that are consistent with the provisions of the Student Code of Conduct.
3. As an arbitrator of disputes within the student community in cases that do not involve violations of the Student Code of Conduct.
4. In the absence of a formal specified procedure or policy, the directives of the Dean of Students will have the full force of procedure/policy.
5. The Dean reserves the right to designate individuals as necessary to aid in the Student Code of Conduct process.

B. Assistant Dean of Student Life/Director of Community Standards

The Director of Community Standards serves as a designee of the Dean of Students and is responsible for the implementation and coordination of the Student Code of Conduct and Process. Authority is extended to the Appeals Process.

C. Conduct Administrator

Conduct Administrators serve as designees of the Dean of Students and/or the Director of Community Standards and are responsible for generating findings and sanctions in student conduct cases. Decisions made by a Conduct Administrators are final.⁷

D. Conduct Board

The Conduct Board serves as a designee of the Dean of Students and consists of College Administrators. Board decisions are final.⁸

E. Appeal Officer

An Appeal Officer serves as a designee of the Dean of Students and is responsible for deciding appealed Student Conduct cases. Decisions made by the Appeal Officer are final with no chance to appeal further.

⁷ If an Appeal Process is not initiated

⁸ If an Appeal Process is not initiated

Student Withdrawal during the Student Code of Conduct Process

A student who withdraws from Nichols College after a complaint has been referred to the Office of Community Standards but before the Student Code of Conduct Process can be completed may or may not be allowed to re-enroll at another point in time. The determination will be made depending on the outcome of the Student Conduct Process, which will continue in an effort to find resolution regardless of a student's enrollment status.

Process of Appealing a Conduct Decision⁹

Students may request an appeal of the outcome of conduct decisions by filing a Request to Appeal Form with The Office of Community Standards within twenty-four (24) business hours of being notified of the results of the Conduct Conference, Conduct Hearing or Conduct Board. A Request to Appeal Form can be found at: https://publicdocs.maxient.com/reportingform.php?NicholsCollege&layout_id=10

Students may request an appeal for the following reasons ONLY:

1. The Student Conduct Process was not followed.
2. New and significant information has become available which could alter the original outcome.
3. The sanctions given were inconsistent with the Student Code of Conduct policies.

Note: A student who fails to appear for a scheduled Conduct Conference, Conduct Hearing, or Conduct Board forfeits all right to an appeal.

Request for Appeal Review

The Office of Community Standards will review the Request to Appeal and will determine if the request is valid under the provisions listed above. In the event that a Request to Appeal is not granted by the Office of Community Standards, the original decision and sanctions are upheld and go into effect once the respondent is notified. The respondent will be notified via email the outcome of the request within twenty-four (24) business hours of the request being received.

Request for Appeal Granted

If the Request to Appeal is granted, a student will have three (3) business days to submit a Statement of Appeal to the Office of Community Standards. The Statement of Appeal must provide a rationale for the appeal that specifically addresses the reason for appeal. Upon receiving the statement, the Office of Community Standards will designate an Appeal Officer based on the following:

⁹Cases that are heard under the Nichols College Sexual Misconduct Policy or the Nichols College Title IX Sexual Harassment follow a different appeal process which is outlined in those separate policies.

Original Conduct Administrator	Appeal Officer
Area Coordinator/Grad Assistant	Assistant Dean of Student Life
Other College Official	Assistant Dean of Student Life
Director of Community Standards	Assistant Dean of Student Life
Assistant Dean of Student Life	Dean of Students or Designee

The Appeal Officer will review the Statement of Appeal, review other pertinent information, and take one of the following actions:

- a. Uphold the decision and sanction (The appeal is dismissed and the original outcomes stand)
- b. Reverse the decision and reduce the sanction
- c. Uphold the decision and increase the sanction
- d. Refer the matter to another Conduct Administrator if a procedural error occurred
- e. Refer the matter back to the original Conduct Administrator on the grounds of new relevant information

The Appeal Officer is not charged with re-evaluating the truthfulness or relevance of the facts presented in the original hearing, but rather will evaluate the process, sanctions, and decisions. The purpose of an appeal process is to foster checks and balances in the conduct process. The decision of the Appeal Officer is final.

Student Status Pending Appeal

Except for sanctions that change student status (probation, suspension, expulsion etc.), any other sanctions assigned are deferred pending an outcome of appeal. The Dean of Students reserves the right to allow or restrict student participation in classes, athletics, other activities, or specific locations during the appeals process. Nichols College reserves the right to temporarily remove a student from housing and/or the College pending conduct outcomes where the presence of the respondent may constitute a real and/or potential danger or disruption to the College Community.

Medical Amnesty

In cases of alcohol and/or drug emergency, the primary concern is the health, safety, and well-being of the individual(s) involved. Nichols College supports an environment that encourages students to help others who need assistance. Students are expected to call for medical assistance (508-213-2298) for themselves or for another student who they observe to be, or feel is dangerously intoxicated/under the influence of drugs. This policy encourages students to take responsible action when another student is at risk due to the consumption of alcohol and/or drugs.

Note: If a student calls on behalf of another student the reporting student is required to remain with the student experiencing the emergency until medical assistance arrives.

Reporting students involved and the student requiring medical attention for an alcohol or drug related emergency will not be referred to the Office of Community Standards and will not face Student Code of Conduct violations for possession and/ or consumption of drug/alcohol. This policy only applies to students who directly seek emergency medical assistance.

The student requiring medical assistance will have a confidential check-in meeting with the Dean of Students or designee. As long as the student(s) comply with all directives, there will be no violations assessed related to the violation of possession or consumption of alcohol/drugs.

The Medical Amnesty Policy is not intended to shield or protect those students who repeatedly violate the Student Code of Conduct. When repeated instances of drug or alcohol emergencies occur, the College reserves the right to assess violations to a student(s) on a case-by-case basis regardless of the manner in which the incident was reported. Medical Amnesty applies only to alcohol or drug-related emergencies and does not apply to other Student Code of Conduct Violations such as but not limited to assault, property damage, or distribution of substances. If other violations occur, then a student(s)/organization could be held accountable for the Student Code of Conduct violations. The use or abuse of alcohol or drugs is not considered a mitigating circumstance for any other violations of the Student Code of Conduct.

Regardless of the dispatching party or origin of the call, the student is solely responsible for any fees associated with transportation, hospitalization, and treatment for any and all medical responses. Massachusetts General Law Chapter 15A, section 18 requires all students enrolled in 9 or more credits be covered by health and accident insurance. The College is not responsible for any health care expenses incurred.

Student Conduct Sanctions

One or more of the following sanctions may be imposed upon a student for any single violation of the Student Code of Conduct. In the event that a student is found responsible for multiple violations resulting from a single action, a combination of sanctions may be imposed. Repeated violations will result in increased sanctions. Sanctions will be proportionate to the severity of the violation and based upon the cumulative conduct history of the student. All sanctions are effective immediately upon notification or upon the completion of the appeal process. All students are expected to comply with conduct sanctions. Failure to follow the directive of an imposed sanction by a specified timeframe or deadline may result in additional or increased sanctions. A student will be charged a \$50.00 fine for failure to complete a sanction by the specified deadline and a new deadline will be assigned.

Note: Some sanctions may affect College opportunities, including but not limited to Study Abroad, holding a class office role, or employment.

Interim Action

In certain circumstances, prior to initiation of the conduct process the Dean of Students or designee may take temporary action to protect the health, safety, or well-being of the Campus Community.

Interim Suspension: In certain circumstances, the Dean of Students or designee may suspend a student for a temporary period pending student conduct proceedings prior to a Conduct Hearing, Conduct Board, or Investigation. This sanction is enforced with a No Trespass¹⁰ sanction.

When an interim suspension is imposed:

- a. The student is required to leave campus immediately and is not allowed on campus until their Conduct Hearing.
- b. The student will not be permitted to participate in any Nichols College events including social events on/off campus, Athletic games and practices during the suspension time-frame.
- c. Resident students are denied access to all Residence Halls for the duration of the Interim Suspension.

Other Interim Actions include, but are not limited to Housing Relocation, Removal from Housing, Suspension of Privileges, or other listed sanctions. All Interim Actions are in place until officially lifted by the Dean of Students or their designee.

Student Status Sanctions

Expulsion from Nichols College: The permanent separation of the student from Nichols College. The student is permanently barred from enrolling as a student, completing class credits, being present on college property or at college-sponsored events. This sanction is enforced with a No Trespass sanction.

Deferred Expulsion from Nichols College: Students given this sanction must understand that they are in jeopardy of being expelled from the College. Should additional code of conduct violations occur, the Expulsion from Nichols College sanction will immediately take effect.

Suspension from Nichols College: Separation from Nichols College for a specified period of time, after which the student is eligible to return. The student is required to vacate the campus within 24 hours of notification of the action. During the suspension period the student is banned from enrolling as a student, completing class credits, being present on college property or at college-sponsored events. This sanction is enforced with a No Trespass sanction.

Deferred Suspension from Nichols College: Students given this sanction must understand that they are in jeopardy of being suspended from the College. Should additional code of conduct violations occur, the Suspension from Nichols College sanction will immediately take effect.

Probation: A specified time period in which a student is put on official notice that further violations of the Student Code of Conduct may result in additional restrictions and/or increased student status sanctions.

¹⁰ See "No Trespass" in this Sanctions section for definition and parameters

Extension of Probation: An Extension of Probation is given when a student is found responsible for minor Code of Conduct violations while on a Probation status. The previous Probation end date is extended a minimum of 8 academic weeks.

Written Warning: An official written notification confirming that the student has violated the Student Code of Conduct and that future violations may result in more severe sanctions.

Restrictions

Guest Restriction: Resident students are prohibited from hosting any guest during the sanction time period.

Loss of Privileges: Restriction of a student's privileges including, but not limited to loss or restriction of computer use, facilities and/or participation of College-sponsored events.

Loss of Parking Privileges: When this sanction is given, the issuance of a student's parking decal is revoked for a determined length of time. That student can no longer park any vehicle on campus.

Deferred Loss of Parking Privileges: Students given this sanction must understand that the privilege to park on campus is in jeopardy of being revoked for continued parking infractions and/or violations of the Motor Vehicle Policy.

Weekend Suspension: Under certain circumstances, the privilege to be on campus during weekends will be removed. Students will be informed of how many weekends they will need to leave campus. The student must be off campus by Friday at 9:00pm until Sunday at 5:00pm. Under this sanction a student is not authorized to attend any Nichols College events including social events on/off campus, Athletic games and practices during the suspension time-frame.

Social Restriction: The privilege of attending any Nichols College event is removed. This limits a student's access to the campus for academic reasons only. These reasons include, but are not limited to classes, library, faculty or advisor meetings, or class credit programs. Presence in other areas of campus is not permitted.

Deferred Social Restriction: Students given this sanction must understand that the privilege to attend Nichols events is in jeopardy of being revoked should there be continued Code of Conduct violations.

No Contact Directive: An order to cease and desist any intentional contact. This directive is issued when there is reason to believe that an order would be in the best interest of all parties and the community for maintaining peace and safety. Intentional contact includes but is not limited to personal contact, telephone, email, texting, social media, or other electronic means. This directive prohibits third-party communication on behalf of the student via those methods.

Note: No Contact Directives are issued to all parties involved and may be imposed prior to initiation of the Conduct Process or assessed as a sanction upon the outcome of the process. A student who violates a No Contact Directive will be referred to the Office of Community Standards and will face additional action for violating the Student Code of Conduct.

Issuance of No Contact Directives:

- Students are encouraged to seek assistance from the Residence Life Staff, Public Safety, and/or the Office of Community Standards if they are experiencing an emergency situation involving another student. A No Contact Directive can be issued if deemed necessary by a College Administrator on a temporary basis.
- The individuals receiving the No Contact Directive will be required to meet with the Office of Community Standards or designee to investigate the situation and determine the continuation of the directive.

Requests for Lifting No Contact Directives:

- Only the Director of Community Standards or designee has the authority to lift a No Contact Directive. Individuals who wish to request that their No Contact Directive is lifted need to email the Office of Community Standards at Community.Standards@nichols.edu. The Director of Community Standards or designee will investigate the request and make the determination. All No Contact Directives remain in effect until directly specified as being lifted.

No Trespass Orders: A restriction preventing an individual from entering or remaining upon College-owned property. Violations will be subject to immediate arrest and criminal prosecution.

No Trespass All Campus: A full restriction from any and all properties of Nichols College. This includes the areas near the properties and facilities including, but not limited to lawns, walkways, athletic fields, and parking lots. This sanction is in place until officially lifted by the Director of Community Standards or designee.

No Trespass from Residence Halls: Student restriction from entering into any residence hall, including areas near any Nichols Residence Halls. This sanction is in place until officially lifted by the Director of Community Standards or designee.

No Trespassed from Specific Campus Location: In certain circumstances, a student may be restricted from entering a Campus building, certain location or property/grounds during a designated time period.

Housing

Housing Lottery Points: In cases where a student is found to be responsible for malicious damage, destruction, or vandalism within the residence halls an additional 1000 points will be added to a student's personal lottery number for the upcoming Housing Lottery Process. This sanction can be assigned in conjunction with a Removal from Housing Held in Abeyance as a sanction.

Deferred Housing Relocation: A student is put on official notice that further violations of the Code of Conduct could result in a Housing Relocation where a student is administratively moved to another Housing Assignment.

Housing Relocation: Under certain circumstances, a student will be sanctioned to change their current residence hall room and/or residence hall building. This sanction may be a permanent relocation or a temporary relocation.

Deferred Removal from Housing: Students given this sanction must understand that they are in jeopardy of being removed from housing. Should additional Code of Conduct violations occur, the Removal from Housing sanction will immediately take effect.

Removal from Housing: The separation of the student from the residence halls for a period of time. The privilege of living on campus is removed beginning twenty-four (24) hours after notification. The student is No Trespassed from any residence hall during the Removal from Housing time period.

Permanent Loss of Housing: The ability for a student to enroll as a Residential Student is revoked for the remainder of the student's academic career at Nichols College. This sanction is accompanied by a No Trespass Order from Residence Halls, which is in effect indefinitely.

Educational

Educational: Requiring a student to complete a specific educational requirement directly related to the Student Code of Conduct violation. The purpose of the educational sanction is to foster student learning and personal development.

In-Person Assessment: This sanction requires the student to complete a substance-abuse assessment and follow-through with the recommendations of Counseling Services.

Letter of Apology: Submittal of a letter of apology to a complainant or other appropriate individual(s) and/or groups. Students should understand one's actions and the impact it has on others and the community.

Punitive Sanctions

Fine: A monetary assessment to a student's account that is not connected to damage and/or loss.

Restitution: A student may be required to reimburse the College, appropriate individual(s), and/or student organization for damages associated with a Code of Conduct violation. This is not a fine but, rather, a monetary assessment to a student's account for repayment of labor costs and/or the value of the property destroyed, damaged, consumed, or stolen.

Parent/Guardian Notification

Parental/Guardian Notification: Nichols College reserves the right to notify parents/guardians for significant conduct outcomes. As is permitted under FERPA (Family Education Rights Privacy Act) Nichols College will notify parents/guardians for alcohol and drug conduct outcomes. Students are encouraged to communicate with parents/guardians about the outcomes.

Educational Records

The written outcome of a Conduct Conference, Conduct Hearing, or Conduct Board is part of the respondent student's education record and shall be subject to the Family Educational Rights and Privacy Act (FERPA). A student's file shall be retained by the Office of Student Life for a period of seven (7) years from the date of the student's graduation or withdrawal from the institution unless: 1) the case resulted in an expulsion, in which case the file will be kept indefinitely or 2) the case involved a Title IX incident, in which case the file will be retained in accordance with federal, state, or local law.

Family Educational Rights and Privacy Act

Educational records are generally protected from disclosure under FERPA. However, students should be aware that other colleges or universities may require a student to provide access to a record concerning student conduct pending transfer of the student. Similarly, prospective landlords, employers, etc. may require a student to provide access to their educational records as part of employment applications.

Process for Records Requests

The Office of Community Standards will not release any part of a student's educational record without written consent from the student except to Nichols College Officials and/or offices. Students wishing to obtain educational record components need to submit a Request to Review Education Records Form to the Office of Community Standards.