

# F&M STUDENT CODE OF CONDUCT

## ACADEMIC YEAR 2023-2024

### **Preamble**

Franklin & Marshall College is a residential College dedicated to excellence in undergraduate liberal education. Its aims are to inspire in young people of high promise and diverse backgrounds a genuine and enduring love for learning, to teach them to read, write, and think critically, to instill in them the capacity for both independent and collaborative action, and to educate them to explore and understand the natural, social and cultural worlds in which they live. In so doing, the College seeks to foster in its students qualities of intellect, creativity, and character, that they may live fulfilling lives and contribute meaningfully to their occupations, their communities, and their world.

As a residential College, Franklin & Marshall believes that the experience of living with other students is at the core of the educational experience, paralleling and enhancing their studies. For students to truly benefit from living and working together, students should model and practice the core elements of being an F&M Diplomat - respecting the rights of other members of the community in which they are a part—a community which includes students, members of the faculty and staff of the College, and other residents of Lancaster.

The Student Code sets forth the expectations Franklin & Marshall College holds related to student behavior and the rights and responsibilities of students. Students are expected to model and live the life of an F&M Diplomat. As such, the College expects students to maintain standards of personal integrity; to be responsible for their actions; to observe established laws and College regulations; and to respect the rights, privileges, and property of others on campus or elsewhere.

The student conduct process is intended to be a learning experience which yields growth, behavioral changes, and a personal understanding of the responsibilities, consequences, and impacts of actions. Outcomes are designed to balance education with accountability and community safety. This process balances the needs and rights of students with the needs and expectations of the College. It supports and values Franklin & Marshall College's mission and offers a continuum of responses, which are educational and restorative in nature. Students are treated with care and respect while being afforded the opportunity to receive a fair resolution process. Statuses and conditions are designed to promote the College's educational mission. The Student Code defines College intervention, resolution options and possible disciplinary action related to the behavior of individual students. In some places, the Code describes common outcomes for violations, but the College necessarily reserves the right to assign any specific outcome for a particular circumstance.

### **Student Rights**

Students have the right to be treated fairly and with dignity regardless of age, color, disability, gender, gender identity, genetic information, family or marital status, national or ethnic origin, race, religion, sex, sexual orientation, veteran status, or any other protected class as stated in the Franklin & Marshall non-discrimination notice.

The College has a commitment to provide students with a balanced and fair system of resolution throughout the conduct process. The Student Code is an outline of administrative procedures and should not be equated with procedures used in civil or criminal court.

### **Applicability**

The Student Code applies to all students as well as College-affiliated student organizations. This includes, but is not limited to, students who are full-time, part-time, auditing, exchange students, non-matriculated students, and visiting students. For the purpose of applying the Code, an individual is considered a student when they have submitted their deposit for enrollment, matriculated or enrolled in the College and as long as the student has a continuing educational interest at Franklin & Marshall College. This includes the

period during a leave of absence, whether voluntary or required. Additionally, a student who has permanently withdrawn or graduated from the institution may still be held accountable to the Code for behavior that occurred prior to the withdrawal or graduation, even if the information was not brought to the College's attention before the withdrawal or graduation occurred. A student may not be approved to participate in graduation when a disciplinary matter is pending. Students with outstanding or pending Code of Conduct charges may have a Disciplinary Hold placed on their student accounts until the matter is resolved. At the discretion of the College, students with outstanding or pending Code of Conduct charges will not be approved for withdrawal.

The Code applies to behavior occurring on property owned or operated by the College or at College-sponsored or affiliated programs and events, including study abroad programs. The Code also applies to behavior that occurs off-campus if that behavior is determined by the College to:

- Present a danger or threat to the health or safety of self or others
- Infringe on the rights or property of self or others
- Breach the peace and/or cause disruption
- Be detrimental to the educational mission and/or interests of the College

The Code may also apply to behavior that occurs online, via email, or other electronic means. Should electronically shared information come to the College's attention, that information will be evaluated as to whether it violates the Student Code and/or warrants further investigation.

Failure to complete assigned conditions may result in the student's record being placed on hold (Disciplinary Hold) which can prevent registration, participation in the room selection process, release of grades/transcripts, participation in graduation, and/or the granting of a degree.

Visitors to the College are expected to abide by the Student Code while on property owned or operated by the College or at College-sponsored or affiliated programs and events. Visitors found in violation of the standards may be issued a notice of trespass by Public Safety. Student hosts may also be held accountable for violations committed by their visitors. Students are expected to be present with their visitors at all times while in College residential areas.

### **Criminal Charges or Civil Claims**

Students are responsible for their actions and any consequences imposed by authorities outside the College. When student behavior is potentially in violation of law or of the Code, the College reserves the right to invoke the conduct process independent of, or in addition to, any pending criminal charges or civil claims, or convictions.

## STUDENT CODE

A student who is found to have engaged in the following conduct, or is found to have aided or assisted any other person in committing any of the following acts, while on or off the College campus shall be subject to action as stated in the Student Code. College-recognized, sponsored, or sanctioned student groups are subject to the same disciplinary action as individual Students. Prohibited acts include, but are not limited to:

### **Academic Misconduct.**

Academic misconduct, including, but not limited to, all forms of cheating and plagiarism. Academic misconduct further includes providing or receiving assistance in a manner not authorized by an instructor in the creation of work to be submitted for academic evaluation including papers, projects and examinations; failure to obtain prior written permission of the relevant instructors to submit any work that has been submitted in identical or similar form in fulfillment of any other academic requirement at any institution; failure to comply with all College research policies (including, but not limited to, the College's policy on Human Subjects); presenting, as one's own, the ideas or words of another person or persons for academic evaluation without proper acknowledgment; unauthorized duplicate submission of papers or other work; and infringing upon the rights of others to fair and equal access to library materials. For more information regarding the College's academic policies please visit the following web pages: [Human Subject Policy & Research Involving Animal and Human Subjects](#).

The College relies upon a variety of means to uphold the principles of academic integrity, including the use of services to evaluate papers for plagiarism. Students are reminded that a concern of academic dishonesty will be based on what the student submits for evaluation, not what they intended to submit. See "Academic Honesty," in the Catalog, for further explanation.

### **Alcohol and Drug Policy.**

See [Alcohol and Drug Policy](#) for details, common outcomes for violations and the College's Amnesty Protocol.

### **Discriminatory Conduct**

Any behavior that has the purpose or effect of preventing another person from fully participating in the programs or opportunities of the College, because of any characteristic protected by the College's non-discrimination statement, including age, race, mental or physical health, gender identity or expression, marital or familial status, veteran's status, physical appearance or disability, national or ethnic origin, religion, sexual orientation, or legal or socio-economic status.

Discriminatory conduct may occur in a single egregious instance or may be the cumulative result of a series of incidents and may include, but is not limited to, acts of verbal, nonverbal or physical aggression, intimidation, or hostility, including such conduct that occurs electronically or via social media.

Alleged discrimination based on sex, sexual orientation, gender identity, or gender expression will be addressed according to the processes set forth in the Sexual Harassment and Misconduct Policies. These processes will occur concurrently with and in coordination with efforts to address and resolve any discriminatory conduct as described above.

*The Diplomatic Congress, in coordination with key multicultural and identity-based agencies as well as faculty and administration, developed the [Student Bias and Discrimination Guidelines](#). This resource outlines Franklin & Marshall College's commitment to promoting an inclusive environment for students of marginalized backgrounds. The guidelines further clarify the types of bias-related behaviors that could constitute policy violations and detail the reporting and resolution processes.*

### **Dishonest Behavior.**

Any act of dishonesty, including misrepresenting, omitting, altering, or falsifying information to College officials or on College documents, IDs, or records, exclusive of violations of Academic Misconduct Code.

**Disruptive/Disorderly Behavior.**

Behaviors that are disruptive to any on or off campus activity or conduct that infringes on the rights of others.

**Endangering Behavior.**

Behavior which endangers the health and/or safety of oneself or others. Examples include, but are not limited to, tampering or interfering with fire safety equipment; unauthorized climbing on College buildings and structures; throwing objects out of windows; and the reckless operation of a motor vehicle.

**Failure to Be a Responsible Host.**

Failure to ensure that the behavior of a non-College member complies with College policies.

**Failure to Comply.**

Failure to comply with the reasonable request of any College representatives, in the performance of their official duties. Examples include a request to identify oneself or honor the terms of a College or court-ordered no contact agreement/order.

**Failure to Engage in the Academic Processes and Programs of the College.**

Failure to meet academic requirements, including class attendance and communication with faculty and/or deans or other administrators.

**Harassment.**

Abuse, threats, intimidation, assault, coercion and/or conduct, by physical, verbal, signed, written, photographic or electronic means, which unreasonably interferes with, threatens, or endangers any person.

**Hazing.**

See Hazing Policy for details.

**Invasion of Privacy.**

Installing or using any device for listening to, observing, photographing, recording, amplifying, or transmitting sounds or events where the individual/group involved has a reasonable expectation of privacy, without consent of all persons involved. The recording or photographing of a recognized group's proceedings, performances, classes, lectures, programs, workshops, or other similar events without the specific authorization of the sponsoring organization, faculty member, speaker, or other party related to the event.

**Lewd or Indecent Behavior (or sponsorship thereof).**

Indecent exposure or the display of sexual or lewd behavior that reasonably would be offensive to others.

**Property Damage.**

Attempted or actual damage to property.

**Retaliation.**

Any adverse action intended to intimidate or punish another individual for or from reporting misconduct or participating in any College process or activity.

**Sexual Misconduct (Community Standards)**

See Sexual Misconduct (Community Standards) Policy for details.

**Stalking.**

A pattern of two or more acts including but not limited to unwelcome conduct in which the alleged

directly, indirectly, or through third parties, by any action, method, device or means follows, observes, surveils, threatens, trespasses, or damages property, or gives a person gifts. Stalking also includes cyberstalking in which electronic media such as the internet, social networks, blogs, cell phones, texts or other similar devices or forms of contact are used.

**Theft.**

Attempted or actual theft of, or misappropriation of, property and/or services.

**Unauthorized Access.**

Unauthorized entry to or presence in any College building or property. Unauthorized possession, duplication or use of a College key, ID, or access card.

**Unauthorized membership.**

This includes but is not limited to rushing, pledging, joining, or maintaining membership in a Greek organization that is not recognized by the College. It also includes living in a house or apartment run by or on behalf of an unrecognized Greek organization.

**Violation of the Law**

Violation of federal, state, or local statutes, codes, or regulations.

**Other Campus Policies**

Failure to comply with any Franklin & Marshall policy delineated in this College Manual or elsewhere and including, but not limited to, the following specific policies:

- a. Franklin & Marshall College Fraternity Membership Policy
- b. Lancaster City Noise Control Ordinance
- c. Franklin & Marshall College Information Technology Policies, including: Acceptable Use Policy, Network Security Policy, Wireless Network Policy, Password Policy, Copyright & Fair Use Policy, Music and Movie Download Policy
- d. Franklin & Marshall College Residential Life Policies
- e. Franklin & Marshall College Sexual Misconduct Policy (Title IX)
- f. Franklin & Marshall College Sexual Harassment Policy (Title IX)
- g. Franklin & Marshall Weapons Policy
- h. Franklin & Marshall College Houses Policies
- i. Franklin & Marshall College Fire Safety Policies
- j. Franklin & Marshall Parking and Transportation Policies

## **Other Campus Policies**

**Identification Card Policies**

Students are required to carry their cards at all times and to present them at the request of a College official or public safety officer. The ID card can only be used by the person whose name appears on the card; lending or altering a card may subject the owner to disciplinary action.

Loss of the card must be reported immediately both to the Campus Card Office and to the Library so that lost cards can be deactivated to prevent unauthorized use. There is a \$15 card replacement charge for damaged or lost cards. Cards that no longer function properly will be replaced at no charge, assuming that the card has not been damaged or abused.

### **Loss or Damage to Personal Property**

The College does not assume responsibility for loss of or damage to personal property of residents through fire, theft, or other causes. The College recommends that each student or his or her parents carry insurance against loss of and damage to personal property.

### **Lancaster City Noise Control**

The City of Lancaster has a Noise Control Ordinance that prohibits noise above certain levels, particularly between the hours of 9 p.m. and 8 a.m. Some provisions of the ordinance apply at *any* time. The ordinance covers noise made by stereos, radios, car horns, musical instruments, animals and other instances. A Special Noise Variance can be obtained from the City Police Department of Lancaster. Students should be familiar with the Noise Control Ordinance, copies of which are available from the Department of Public Safety.

# **Alcohol and Other Drugs**

## **College Amnesty Protocol**

Student health and safety is a primary concern for the College community. Sometimes, students are hesitant to seek medical assistance for fear that they may get themselves or others in trouble (for example, a student who has been drinking underage might hesitate to seek help for another student who is incapacitated due to alcohol or drug use, or who has been the victim of sexual misconduct). F&M students are expected to contact Public Safety and stay with the individual of concern when it is believed they need attention due to the use of alcohol or other drugs including prescription, over the counter, or other. The Amnesty Protocol is designed to provide education rather than discipline when a student voluntarily contacts university personnel (e.g., Public Safety, House Advisor/Community Advisor) or outside emergency services for assistance related to alcohol or other drugs.

Individuals covered by the Amnesty Protocol are

- the caller,
- the person in need of assistance
- the host student organization
- witnesses named in the incident report

The college cannot grant amnesty or immunity from citation or arrest by legal authorities i.e. Lancaster or Manheim Township Police officers.

The hearing officer determines whether or not the Amnesty Protocol is applicable for each incident. Incidents involving sex discrimination, sexual harassment, sexual misconduct, sexual violence, dating violence, domestic violence, or stalking shall be covered by the Amnesty Protocol for those students reporting or intervening to prevent harm to a particular student. Incidents involving other violence or serious code violations, such as hazing, will not apply. A conduct officer will contact the student or the student organization involved in the incident to arrange for a meeting. There will be no official charges or conduct status from the College through the Amnesty Protocol. The person who made the call to university personnel may be invited to the meeting. At the meeting, the incident will be reviewed with the Student or Student organization to determine an appropriate educational response, which could include participation in an educational group or class, program presentations, counseling intake session, or substance abuse education and/or evaluation. A response may also include parental/ guardian notification of the incident.

If a student or student organization fails to attend the initial meeting with the conduct officer or complete the educational responses following the meeting, the incident will be resolved through the student conduct process.

### **Department of Public Safety (DPS) Contact Information:**

Phone - 717-358-3939

Emergency – 911

Email - psdispatch@fandm.edu

EMTs are dispatched through the Department of Public Safety. If an EMT is contacted directly by a student, the EMT will instruct the student to call DPS to dispatch the EMT.

# Alcohol and Drug Policies

Franklin & Marshall College is committed to maintaining a healthy and safe environment that promotes respect for oneself and others, zero tolerance for disruptive behavior resulting from alcohol and other drug abuse, and compliance with the law. The policy is meant to encourage responsibility of individuals to themselves and each other, to establish procedures and guidelines consistent with local, state, and federal law, and to hold individuals and groups accountable for actions that are in violation of the policy.

The College expects each student as well as all faculty and employees to obey federal, state and local laws concerning alcoholic beverages. Students, faculty and staff who are legally privileged to use alcohol are expected to do so in a way that does not bring discredit upon themselves or the College or interfere with the rights, freedoms, or safety of others. The College further stresses that any student who illegally uses alcoholic beverages is subject to the jurisdiction of the civil authorities as well as College disciplinary procedures. The College defines its relationship with students in this area as non-custodial and stresses that there is no “special relationship” created by their status as students as it pertains to the law. The College will take no responsibility for any actions taken by students, faculty or staff who have been drinking, whether on or off campus.

## General

- All faculty, staff and students are expected to abide by local, state, and federal laws pertaining to the manufacture, distribution, possession, or use of alcohol, including providing alcohol to a Franklin & Marshall student or other individual under age 21.
- All College-owned and College approved housing is subject to all the policies contained in the College Life Manual, including this Alcohol Policy.
- College-sponsored (departments and/or recognized student organizations) events with alcohol present must be approved by College administration in advance of the event (a minimum of 10 day advance notice though some events may require more advance notice.)

## Students

### *General*

Students and their guests who are 21 or older may consume alcoholic beverages in their rooms responsibly. However, excessive volumes of alcohol are prohibited in College-owned or College-approved residential facilities in which students reside, and at activities in College-owned residential facilities and on campus grounds that have not been registered with and approved in advance by College officials. Students must also adhere to all housing and lease regulations related to social gatherings –i.e. occupancy limits and keg bans.

- All social events sponsored by a recognized student organization at which alcohol may be consumed must be registered with and approved in advance by the appropriate College official.
- Individuals may not carry alcoholic beverages in an open container on campus property except at registered College functions at which approval has expressly been granted for such behavior.
- Open containers of alcohol are prohibited on City streets.
- In accordance with state law, College employees (including House Advisers) may not serve alcohol to minors or purchase alcohol for consumption by minors.

- College monies may not be used for purchasing alcoholic beverages for underage students, and alcoholic beverages may not be sold on campus or by any student group.
- The College very strongly discourages students from taking part in drinking games and prohibits the consumption of grain alcohol since both activities have led to alcohol abuse and critical medical situations for our students in the past.
- The Family Educational Rights and Privacy Act (FERPA) permits a college to let parents of students under the age of 21 know when the student has violated any law or policy concerning the use or possession of alcohol or a controlled substance.

#### *Event Registration and Protocols*

- Student events involving alcohol and sponsored by a student organization must be approved in advance by the Dean of the College and Vice President for Finance and Administration. The following protocols must be adhered to:
  1. All student events involving alcohol that are sponsored by a student organization must either contract with a third party vendor or follow B.Y.O.B. guidelines (see below.)
  2. Events must be registered through the Office of Student Engagement & Leadership (student organizations) or the Office of Fraternity and Sorority Life (Greek organizations.)
  3. Alcohol permitted at events is limited to wine, beer and fermented beverages (cider).
  4. Event hosts must provide sufficient food and non-alcoholic beverages (in addition to water) in proportion to the number of people in attendance throughout the function.
  5. All events must have a FPS advisor or third party security in attendance for the entirety of the event to check id's and monitor the function. Students must use F&M ID (checked with birthday list) and non F&M guests must show a valid state license.

#### *Guidelines for B.Y.O.B. events*

- A College-approved bartender (T.I.P.S. or licensed) and security (FPS advisor or third-party) must be in attendance for the entirety of the event.
- Event security/FPS advisor will be responsible for checking Id's and wrist-band protocol. Wrist-band boxes will be available for pick up from the Department of Public Safety.
- B.Y.O.B. events also adhere to all of the above general event registration and protocols.

#### *Greek Houses*

- Greek Housing is "Approved College Housing" and is subject to all the policies contained in the Student Life Manual, including this Alcohol Policy.
- Individual chapters must follow their own national policies.
- The College retains the right to approve all socials for the chapters allowed by their national policy to host socials.
- All socials approved by the College will adhere to the BYOB guidelines provided in the North American Interfraternity Conference publication, Making Bring Your Own Beverage Events Happen. This resource guide contains suggestions for safe and practical implementation of BYOB events. The Making Bring Your Own Beverage Events Happen can be obtained from the NIC (<http://www.nicindy.org/byob-hosting-safe-social-events/>).
- The College also supports the efforts of the Fraternal Information and Programming Group (FIPG). The mission of FIPG is: "To promote sound risk management policies and practices and to be the leading resource of risk management education, programming and information to the broad based constituency involved in all aspects of Greek life." (<https://websites.omegafi.com/omegaws/fipg/>)

1. All persons while in the Commonwealth of Pennsylvania are subject to the Pennsylvania Liquor and Penal Code.
2. It is illegal for anyone who has not reached the age of 21 to possess, transport, or drink alcoholic beverages in Pennsylvania.
3. The law also prohibits the selling or furnishing of alcoholic beverages of any kind to persons under 21 years of age by any agency or any person. 'Furnish' is defined as: "To supply, give or provide to, or allow a minor to possess on premises or property owned or controlled by the person charged" (Pennsylvania Crimes Code, 1986).
4. In addition, it is unlawful to misrepresent one's age to any person to obtain alcoholic beverages or to represent to any person that a minor is of age.
5. Further, it is unlawful to transport liquor that was not purchased, obtained, or possessed according to Pennsylvania law.
6. It is illegal to possess, manufacture, or sell a false ID card whether or not the card is used to obtain alcoholic beverages. It is also illegal to attempt to obtain alcoholic beverages by using another person's ID card.
7. The law has been interpreted to mean that no person under 21 years of age may pay assessments that will be used in whole or part for the purchase of alcoholic beverages.
8. Finally, it is against the law to charge admission to an event at which alcohol is being served (or to sell alcoholic beverages) without a liquor license. The College does not have a liquor license.

All students should be aware of the following sections of the 1986 revision of the Pennsylvania Crimes Code, Title 18, Act 31: Liquor Law Violations and Penalties.

Section 6307 Misrepresentation of Age: A person, being under the age of 21, knowingly and falsely represents himself to be 21 years of age or older...for the purpose of procuring or having furnished to him, any liquor or malt or brewed beverages.... **FIRST OFFENSE:** Summary violation, \$300 fine and suspension of driver's license for 90 days. **SUBSEQUENT OFFENSE (S):** Misdemeanor III, \$500 fine, suspension of license for 1–2 years. **MANDATORY SENTENCING.**

Section 6308 Possession and Transportation: A person...less than 21 years of age, attempts to purchase, purchases, consumes or possesses, or knowingly and intentionally transports liquor.... Parents notified of arrest. **FIRST OFFENSE:** \$300 fine, suspension of license for 90 days. **SUBSEQUENT OFFENSE (S):** \$500, suspension of license for 1– 2 years.

Section 6309 Representing that Minor is of Age (i.e. a person other than yourself): ...guilty of a misdemeanor of the third degree if he knowingly, willfully and falsely represents to any licensed dealer, or other person any minor to be of full age, for the purpose of inducing...to sell, furnish any liquor...to the minor. **PENALTY:** \$300–2,500 fine, one-year imprisonment or both. **MANDATORY SENTENCING.**

Section 6310 Inducement of Minors to Buy Liquor: ...misdemeanor of the third degree if he hires or requests or induces any minor to purchase, or offer to purchase liquor...from a...licensed dealer for any purpose. PENALTY: as in section 6309 above. MANDATORY SENTENCING.

Section 6310.1 Selling or Furnishing to Minors: A person...intentionally and knowingly sells or...furnishes, or purchases with the intent to sell or furnish, any liquor... to a person...(under the age of 21). FIRST OFFENSE: Misdemeanor III, \$1000–2,500 fine, one-year imprisonment, or both. Subsequent: \$2,400–5,000 fine, one-year imprisonment. MANDATORY imprisonment. MANDATORY SENTENCING.

## Common Outcomes for Violations of Student Alcohol and Drug Policy

Franklin & Marshall College is committed to maintaining a healthy and safe environment that promotes respect for oneself and for others. The College is committed to the implementation of a program to prevent unlawful possession, use, or distribution of illicit drugs and alcohol by its students, on or off premises or as part of any of its activities.

The administrator or panel that reviews a case has the discretion to determine the enforcement of this policy and its outcomes. In determining final outcomes, the administrator or panel will consider the common outcomes listed below in addition to other potential violations or circumstances related to the incident.

Common outcomes for alcohol, drug and hosting violations are outlined on the following pages.

## Alcohol Violations Common Outcomes

Behavior	First Violation	Second Violation	Third Violation
<ul style="list-style-type: none"> <li>● Possession/ consumption of alcohol by an underage student (beer or wine)</li> <li>● Open container in public area (regardless of age)</li> <li>● Fake ID</li> <li>● Failure to register party</li> </ul>	<ul style="list-style-type: none"> <li>● Warning or Reprimand</li> <li>● Educational condition</li> <li>● Possible Alcohol and Other Drug Wellness Course (w/fee of \$50)</li> <li>● Coach notification</li> <li>● Possible parental/legal guardian notification</li> </ul>	<ul style="list-style-type: none"> <li>● Reprimand or Probation</li> <li>● Alcohol and Other Drug Wellness Course (w/fee of \$50) or Assessment (\$125)</li> <li>● Parental/legal guardian and coach notification</li> </ul>	<ul style="list-style-type: none"> <li>● Reassigned housing</li> <li>● Possible suspension</li> <li>● Alcohol and Other Drug Consultation (w/fee of \$175)</li> <li>● Parental/legal guardian and coach notification</li> </ul>
<ul style="list-style-type: none"> <li>● Possession/ consumption of hard alcohol by underage student</li> <li>● Possession of bulk containers or serving from a common source (“jungle juice”), regardless of age</li> <li>● Serving, purchasing, sale or making available of alcohol to minors</li> </ul>	<ul style="list-style-type: none"> <li>● Reprimand or Probation</li> <li>● Alcohol and Other Drug Wellness Course (w/fee of \$50)</li> <li>● Coach notification</li> <li>● Possible parental/legal guardian notification*</li> </ul>	<ul style="list-style-type: none"> <li>● Reassigned housing</li> <li>● Possible suspension</li> <li>● Alcohol and Other Drug Assessment (w/fee of \$125)</li> <li>● Parental/legal guardian and coach notification</li> </ul>	<ul style="list-style-type: none"> <li>● Possible suspension</li> <li>● Alcohol and Other Drug Consultation (w/fee of \$175)</li> <li>● Parental/legal guardian and coach notification</li> </ul>
<ul style="list-style-type: none"> <li>● Excessive drinking/ rapid consumption (regardless of age)</li> <li>● Transport to the hospital due to alcohol</li> <li>● Inducing or coercing others to drink</li> </ul>	<ul style="list-style-type: none"> <li>● Probation</li> <li>● Alcohol and Other Drug Assessment (w/fee of \$125)</li> <li>● Educational condition</li> <li>● Parental/legal guardian and coach notification</li> </ul>	<ul style="list-style-type: none"> <li>● Reassigned housing</li> <li>● Possible suspension</li> <li>● Alcohol and Other Drug Consultation (w/fee of \$175)</li> <li>● Parental/legal guardian and coach notification</li> </ul>	<ul style="list-style-type: none"> <li>● Suspension or Expulsion</li> <li>● Parental/legal guardian and coach notification</li> </ul>
<ul style="list-style-type: none"> <li>● Driving while intoxicated/DWI</li> <li>● Hazing</li> </ul>	<ul style="list-style-type: none"> <li>● Suspension or Expulsion</li> <li>● Possible referral to local law enforcement agency</li> <li>● Parental/legal guardian notification</li> </ul>		

# Other Drug Violations

## Common Outcomes

Behavior	First Violation	Second Violation	Third Violation
<ul style="list-style-type: none"> <li>● Possession/use of marijuana or other illegal drugs, including prescription drugs (small amount)</li> <li>● Possession of drug accessories (e.g., bongs, bowls, scales, pipes)</li> </ul>	<ul style="list-style-type: none"> <li>● Warning or Reprimand</li> <li>● Alcohol and Other Drug Wellness Course (w/fee of \$50)</li> <li>● Coach notification</li> <li>● Possible parental/legal guardian notification</li> </ul>	<ul style="list-style-type: none"> <li>● Reprimand or Probation</li> <li>● Alcohol and Other Drug Assessment (w/fee of \$125)</li> <li>● Parental/legal guardian and coach notification</li> </ul>	<ul style="list-style-type: none"> <li>● Reassigned housing</li> <li>● Possible suspension</li> <li>● Alcohol and Other Drug Consultation (w/fee of \$175)</li> <li>● Parental/legal guardian and coach notification</li> </ul>
<ul style="list-style-type: none"> <li>● Possession/use of marijuana or other illegal drugs (larger amount or higher potency)</li> <li>● Possession/use of harder drugs</li> <li>● Transport to the hospital due to drug overuse</li> <li>● Inducing or encouraging drug use</li> </ul>	<ul style="list-style-type: none"> <li>● Probation</li> <li>● Alcohol and Other Drug Assessment (w/fee of \$125)</li> <li>● Educational condition</li> <li>● Parental/legal guardian and coach notification</li> </ul>	<ul style="list-style-type: none"> <li>● Reassigned housing</li> <li>● Possible suspension</li> <li>● Alcohol and Other Drug Consultation (w/fee of \$175)</li> <li>● Parental/legal guardian and coach notification</li> </ul>	<ul style="list-style-type: none"> <li>● Suspension</li> <li>● Parental/legal guardian notification</li> </ul>
<ul style="list-style-type: none"> <li>● Driving while under the influence</li> <li>● Other serious behaviors such as selling or distributing drugs including prescription, over the counter, or illegal drugs</li> </ul>	<ul style="list-style-type: none"> <li>● Suspension or Expulsion</li> <li>● Possible referral to local law enforcement agency</li> <li>● Parental/legal guardian notification</li> </ul>		

## Hosting/Party Violations Common Outcomes

Behavior	First Violation	Second Violation	Third Violation
<ul style="list-style-type: none"> <li>● Minor disruption</li> <li>● Failure to register party</li> <li>● Minor alcohol/drug violation</li> <li>● Hosts/residents not managing properly (minor)</li> </ul>	<ul style="list-style-type: none"> <li>● Warning or Reprimand</li> <li>● Educational condition</li> <li>● Coach notification</li> <li>● Possible parental/legal guardian notification (as permitted by applicable law)</li> <li>● Possible social hosting workshop before hosting again</li> </ul>	<ul style="list-style-type: none"> <li>● Reprimand or Probation</li> <li>● Alcohol and Other Drug Wellness Course (w/fee of \$50)</li> <li>● Parental/legal guardian and coach notification</li> <li>● Loss of hosting privileges for one month for hosts and residence</li> <li>● Social hosting workshop</li> </ul>	<ul style="list-style-type: none"> <li>● Reassigned housing</li> <li>● Possible suspension</li> <li>● Parental/legal guardian and coach notification</li> <li>● Loss of hosting privileges for one semester</li> </ul>
<ul style="list-style-type: none"> <li>● Disruptive behavior</li> <li>● Serving, purchasing, sale or making available of alcohol to minors</li> <li>● Serving/making available hard alcohol</li> <li>● Possession of bulk containers or serving from a common source (“jungle juice”), regardless of age</li> <li>● Allowing drug use or making drugs available</li> <li>● Charging cover fees</li> <li>● Attendance too large to manage or exceeding occupancy</li> <li>● Not managing party responsibly (more serious)</li> </ul>	<ul style="list-style-type: none"> <li>● Reprimand or Probation</li> <li>● Alcohol and Other Drug Wellness Course (w/fee of \$50)</li> <li>● Coach notification</li> <li>● Possible parental/legal guardian notification* (as permitted by applicable law)</li> <li>● Social hosting workshop</li> <li>● Loss of hosting privileges for one month for hosts and residence</li> </ul>	<ul style="list-style-type: none"> <li>● Reassigned housing</li> <li>● Possible suspension</li> <li>● Parental/legal guardian and coach notification</li> <li>● Loss of hosting privileges for one semester</li> </ul>	<ul style="list-style-type: none"> <li>● Possible suspension</li> <li>● Parental/legal guardian and coach notification</li> <li>● Permanent loss of hosting privileges</li> </ul>
<ul style="list-style-type: none"> <li>● Excessive drinking/ rapid consumption (regardless of age)</li> <li>● Inducing or coercing others to drink</li> <li>● Serious disruption</li> </ul>	<ul style="list-style-type: none"> <li>● Probation</li> <li>● Alcohol and Other Drug Wellness Course (w/fee of \$50)</li> <li>● Educational condition</li> <li>● Parental/legal guardian and coach notification</li> <li>● Social hosting workshop</li> <li>● Loss of hosting privileges for one semester</li> </ul>	<ul style="list-style-type: none"> <li>● Reassigned housing</li> <li>● Possible suspension</li> <li>● Parental/legal guardian and coach notification</li> <li>● Permanent loss of hosting privileges</li> </ul>	<ul style="list-style-type: none"> <li>● Suspension or Expulsion</li> <li>● Parental/legal guardian and coach notification</li> </ul>

\*Conditions can apply to both hosts and location residents when appropriate. Organizations and teams can also be charged with group violations.

# Community Standards Sexual Misconduct

The F&M staff and community recognize the impact of sexual violence across the world and in our own Franklin & Marshall community. To access resources for survivors or engage in conversations around sexual violence response and prevention, we encourage the community to reach out to:

- Title IX Office at <https://www.fandm.edu/campus-life/title-ix>, Dr. Kate Buchkoski, Director of Title IX and ADA Compliance at [kate.buchkoski@fandm.edu](mailto:kate.buchkoski@fandm.edu)
- Office of Student Wellness and Violence Prevention (WEVP) at [go.fandm.edu/we-vp](http://go.fandm.edu/we-vp),
- Counseling Services (confidential) at 717-544-9051
- YWCA Lancaster (confidential): Hotline (717) 392-7273

In addressing incidents impacting our own community, you will find that Franklin & Marshall's student codes related to sexual misconduct are published in two different places in the College's policies. The College follows federal guidelines related to [Title IX](#), which is a law that covers specific behaviors related to sex discrimination and sexual harassment. The College also addresses sexual misconduct that is not covered by Title IX definitions but goes against our mission and values.

Non-Title IX sexual misconduct will be addressed through the F&M general Code of Conduct under the categories *Community Standards Sexual Misconduct* and *Community Standards Sexual Harassment*.

## Reporting

All allegations of sexual misconduct, whether they fall under Title IX or Community Standards, [are reported](#) to the [Title IX Coordinator](#), who will provide resources, guidance about your options, follow-up through appropriate resolution channels, and make any necessary referrals.. **You do not have to know whether the behavior you are reporting fits the Title IX or the Community Standards definition(s) of violations.** To submit an allegation of sexual misconduct, fill out the reporting form [HERE](#).

## Definition of Community Standards Sexual Misconduct

Community Standards Sexual Misconduct includes behavior by an individual or a student organization that does not constitute [Title IX Sexual Harassment](#), but has adverse effects on, or creates a hostile environment for, individuals participating or attempting to participate in Franklin & Marshall's education program or activity, or otherwise has a reasonable connection to F&M. It may constitute one or more of the following:

- **Sex Discrimination:** Discrimination on the basis of sex. See Discriminatory Conduct policy.
- **Sexual Harassment:** Sexual Harassment can be a single, serious incident or a series of related, repeated incidents. Sexual harassment is defined as unwelcome conduct of a sexual nature (verbal or physical conduct) when the conduct includes at least one of the following:
  - is reasonably perceived as creating an intimidating or hostile work, learning or living environment
  - unreasonably interferes with, denies or limits someone's ability to participate in or benefit from any educational program and/or activities
  - is based on power differentials, the creation of a hostile or unwelcoming environment, or retaliation.
- **Sexual Penetration Without Consent:** Penetration of the mouth, vagina, anus or sex organs of another person, however slight, by, an object or any part of the body, when consent is not present. This includes performing oral sex on another person when consent is not present.
- **Sexual Contact Without Consent:** Knowingly touching or fondling the private body parts of another person, or knowingly touching a person with one's own private body parts, when consent is not present and for the purposes of sexual gratification or other improper motivation. This includes contact done directly or indirectly through clothing, bodily fluids or with an object. It also includes causing or inducing a person, when consent is not present, to similarly touch or fondle oneself or someone else.
- **Statutory Sexual Assault:** Non-forcible sexual activity with a person who is under the statutory age of consent.

- **Domestic Violence:** Behaviors used by one person in a relationship to control the other. Domestic violence also encompasses actions as defined by the Clery Act, 34 CFR 668.46(a). Partners may be married or not married; heterosexual, LGBTQA; living together or separated.
- **Intimate Partner Violence:** Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the other. It includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
- **Sexual Exploitation:** Taking sexual advantage of another person or violating the sexual privacy of another when consent is not present. This includes, but is not limited to, the following actions (including when they are done via electronic means, methods or devices):
  - Sexual voyeurism or permitting others to witness or observe the sexual or intimate activity of another person without that person's consent;
  - Indecent exposure or inducing others to expose themselves when consent is not present;
  - Recording or distributing information, images or recordings of any person engaged in sexual or intimate activity in a private space without that person's consent.
  - Prostituting another individual;
  - Knowingly exposing another individual to a sexually transmitted disease or virus without that individual's knowledge; and
  - Inducing incapacitation for the purpose of making another person vulnerable to non-consensual sexual activity.
- **Sexually Inappropriate Behavior:** Conduct that is lewd or obscene including sexually suggestive gestures or communication. Public masturbation, disrobing or exposure of one's self to another person without that person's consent are examples. This may be an isolated occurrence.
- **Stalking.** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to 1) fear for the person's safety or the safety of others or 2) suffer substantial emotional distress.

## Consent

A person who wants to engage in a specific sexual activity is responsible for obtaining Consent for that activity. Silence or lack of resistance, in and of itself, does not constitute Consent. Consent can be given by words or actions, provided that those words or actions clearly communicate willingness to engage in the sexual activity. Consent cannot be obtained through coercion. For purposes of this Policy, coercion is the use of threats (*i.e.*, words or actions) or intimidation (*i.e.*, implied threats) that would cause a reasonable person to engage in unwelcome sexual activity against their will.

Consent cannot be obtained from an individual who is incapacitated, where a reasonable person initiating sexual activity would have known or reasonably should have known that the individual was incapacitated. An individual who is under the influence of alcohol and/or other drugs may be incapacitated, and therefore unable to Consent. However, consumption of alcohol or other drugs alone is insufficient to establish incapacitation. Incapacitation is a state beyond drunkenness or intoxication, where an individual cannot make a knowing and deliberate choice to engage in the sexual activity. Individuals who are asleep, unresponsive or unconscious are incapacitated. Other indicators that an individual may be incapacitated include, but are not limited to, the inability to communicate coherently, inability to dress/undress without assistance, inability to walk without assistance, slurred speech, loss of coordination, vomiting, or inability to perform other physical or cognitive tasks without assistance. An individual also may be incapacitated due to a temporary or permanent physical or mental health condition.

Consent may be withdrawn by any party at any time. An individual who seeks to withdraw Consent must communicate, through clear words or actions, a decision to cease the sexual activity. Consent is automatically withdrawn when a party is no longer capable of consenting. Once Consent is withdrawn, the sexual activity must cease immediately. Consent must be re-established before resuming any sexual activity. Consent to one form of sexual activity does not, by itself, constitute Consent to another form of sexual activity. Consent to sexual activity on one occasion does not constitute Consent to sexual activity

on other occasions. An individual's use of alcohol or drugs does not diminish that individual's responsibility to obtain Consent.

### **Resources and Education**

The College will make interim and supportive measures available to all individuals who are reported to be the victim of Community Standards Sexual Misconduct whether or not they opt to file a complaint. Written notification regarding resources (e.g. counseling, legal assistance) will be provided to all complainants, who may also find information regarding access to resources on F&M's Wellness and Violence Prevention page at [go.fandm.edu/we-vp](http://go.fandm.edu/we-vp). Supportive measures as outlined in the [Title IX policy](#) will also be provided.

### **Rights of Complainants and Respondents**

In proceedings under the Community Standards Sexual Misconduct process, the parties have the following rights:

- The right to a written explanation of the students' rights and options.
- The right to a prompt, fair and equitable process and the College will follow these procedures before the imposition of any disciplinary sanctions or other actions that are not interim or supportive measures against a respondent.
- The right to an objective evaluation of all relevant evidence. The parties will be provided with an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a complaint.
- The right to a process conducted by adequately trained staff. Therefore, the College will ensure that staff involved in the process are appropriately trained as required by state and federal law.
- The complainant and respondent shall be provided with the same opportunities to have an advisor, of their choosing, present during any proceeding at which their presence is required or expected such as meetings with staff, the Investigator, informal resolution proceedings or hearings. The advisor's role in any meeting is limited to quietly conferring with their advisee through written or verbal communication and may be subject to other restrictions as determined by the administrative officer. The parties are responsible for identifying their own advisor, if they wish to have one.
- The right to simultaneous notification of actions taken in the proceedings including the result, appeal options, and final decisions.
- The right to a process that is free from conflicts of interest or bias.

### **Amnesty**

The College will not pursue disciplinary action against any person for possession or consumption of alcohol or drugs use when that possession or consumption is revealed in the course of a good faith report of sexual misconduct or relationship violence or other good faith statements made in connection with an investigation under this policy.

Franklin & Marshall College recognizes that students who have been drinking and/or using drugs (whether such use is voluntary or involuntary) at the time sexual misconduct occurs may be hesitant to report such incidents due to fear of potential consequences for their own conduct. The College strongly encourages students to report incidents of sexual misconduct. A witness to or individual who experiences sexual misconduct, acting in good faith, who discloses any incident of sexual misconduct to the College will not be sanctioned under the College's Code of Conduct for violations of alcohol and/or drug use policies occurring at or near the time of the incident(s) of sexual harassment or sexual violence. Amnesty is not in place if alcohol or other drugs are used in order to purposefully incapacitate another person for non-consensual sexual gratification. Amnesty does not preclude or prevent action by police or other legal authorities pursuant to relevant state or federal criminal statutes.

### **Resolution Information**

Non-Title IX (Community Standards Sexual Misconduct) allegations are resolved through the processes outlined in the [Student Code of Conduct](#). Title IX violations are resolved through the processes outlined in the [Title IX Policy](#). **You do not have to know whether the behavior you are reporting fits the Title IX or the Community Standards definition(s) of violations.** [All reports](#) will filter through the Title IX Coordinator, who will review the report and reach out to you to learn more about the incident, provide you with information about next steps and, if appropriate, provide resources and options to support you through the process.

### **Law Enforcement and Preservation of Evidence**

You may also file a report with the College's Department of Public Safety and local law enforcement, independent of or parallel with any report made to the College. Contacting law enforcement to make a report allows for forensic evidence to be collected, including a SART exam if needed, which may be helpful if a decision is made to pursue criminal charges. Please note that the College's policy, definitions, and burden of proof may differ from Pennsylvania criminal law. Neither law enforcement's decision whether to prosecute, nor the outcome of any criminal prosecution, is determinative of whether sexual misconduct has occurred under this policy. In cases where there is a simultaneous law enforcement investigation, there may be circumstances when the College may need to temporarily delay its investigation while law enforcement gathers evidence. However, the College will generally proceed even during the time of a pending law enforcement investigation.

You also have the right to seek a restraining order or similar no-contact/protective order from the police. The College will make reasonable efforts to enforce all protective and restraining orders regardless of who issues them. Enforcement of these orders by the College will begin upon notification and receipt of documentation of their existence.

## Fire Safety Policy for Students

As Franklin & Marshall Students, you have rights regarding personal safety and security. In order to ensure these rights for you and your fellow students, you must abide by certain policies. Fulfilling these policies and requirements is your responsibility as a student at F&M. Disciplinary action will be imposed for failing to comply; given the seriousness of the issue of fire safety, disciplinary outcomes may be imposed in greater or lesser severity as described in this policy in the sole discretion of the College.

In the event of a fire, the building fire alarm should be activated and the Department of Public Safety should be called (ext. 3939) to have them assist in evacuating residents. Students should familiarize themselves with the location of fire alarm pull stations, fire extinguishers, exits and a designated meeting place during alarms. Fire extinguishers, smoke detectors, heat detectors, sprinkler heads and pull stations are installed for the protection of building occupants, and are wired directly to the Department of Public Safety.

Tampering with fire protection systems or turning in a false alarm is a violation of the Lancaster City Fire Code and the laws of the Commonwealth of Pennsylvania and is classified as a felony, punishable by a fine and/or imprisonment of up to five years. A student found guilty of this felony also could be expelled from the College.

This policy extends to all residential facilities including, but not limited to, all College owned and approved housing.

### Student Fire Safety Expectations:

- **Health & Safety Inspections** — Random Health & Safety inspections will take place throughout the year. Any safety violation will be recorded.
- **Fire Alarms** — When the fire alarm in your building sounds, it is your responsibility to leave the building immediately. Although some fire alarms are false, you must treat every fire alarm as if a real fire is occurring. Maliciously pulling a fire alarm is a serious offense. It disrupts the life of every resident in the building and places at risk the lives of the responding fire personnel and resident staff. If you witness an alarm being pulled falsely, notify your HA immediately.
- **Fire Extinguishers** — Fire extinguishers are placed in specific locations throughout each residence hall. These extinguishers should be used only in the event of an actual fire. Misuse of a fire extinguisher is a very dangerous act.
- **Door Propping** — The first step toward a safe community is keeping the exterior door properly locked. Propping open a building door leaves the building and its residents vulnerable to all crimes. The FOB access system for each residence hall door monitors propping. In the event that a door is propped open for more than 60 seconds, a silent alarm sounds to which the Franklin & Marshall DPS will respond.
- **Prohibited items in residential facilities (except in designated approved areas such as kitchens)**
- Non UL extension cords are not allowed. Only UL approved power strips with surge protection are allowed.
- Space heaters and heating blankets
- Any style of halogen light or lamp
- Octopus lights and lamps (any light with more than three "arms")
- Grills are not permitted inside facilities. Lighter fluid is prohibited in all areas.
- All non-College mattresses are prohibited in the residence halls.
- All types of foam mattress topper (egg crate, memory foam, etc.) are particularly flammable and are therefore prohibited.
- The College reserves the right to determine whether personal furnishings (chairs, couches, mattresses, lamps, etc.) are appropriate due to code, policy, or space issues.
- Heat-producing appliances. This includes coffee makers, toasters, toaster ovens, hot plates, etc. They can only be located in kitchen or kitchenette areas.

- Candles, incense, hookahs, and other sources of open flame. These items should not be brought to campus.
- Firecrackers/fireworks, gasoline, propane tanks, or other highly combustible items

### **Other issues**

- Smoking is prohibited in all residence halls.
- Construction of partitions, bunk beds, lofts, and other additions to your room is not allowed.
- Posters, flags and other wall hangings must be used sparingly. They are not to be hung from the ceiling or in a location that will cover or interfere with light fixtures, outlets, or other appliances.
- Exits may not be blocked or used for storage

## **Description of Fire Safety Policy Violations and Common Outcomes**

### **Level I Violations**

Infractions could include:

- Use of extension cords
- Use of room partitions or dividers of any kind
- Use of unapproved bed risers, cinder blocks, or lofted furniture of any kind
- Presence of unused candles or incense
- Prevention of egress through any residence room door, window, or window seat area (e.g. tapestries, beads, furniture, rugs, etc. blocking access)
- Wall décor that attaches to ceilings or connects one wall to another (e.g. tapestries, posters, etc.)
- Presence of a tapestry that is not flame retardant
- Connecting more than two strings of light together in a residence hall or apartment space
- Propping of exterior doors

### **Common Outcomes**

- Educational conversation with staff member
- Removal of violation by College Official (if applicable)

### **Level II Violations**

Infractions could include:

- Repetition of minor violations
- Presence of used candles, incense, ashtrays
- Presence of halogen lamp
- Use of electrical appliances (e.g., toaster ovens, stand-alone microwaves, heating coils, cookers, grills, etc.) outside of an apartment kitchen or residence hall kitchenette
- Smoking, including vaping, of any substance inside any campus-managed building or residence hall (includes the presence of evidence of smoking. i.e. ash and/or butts in the window)

### **Common Outcomes**

- Disciplinary Warning or Reprimand
- Possible educational condition
- Removal of violation by College Official (if applicable)

### **Level III Violations**

Infractions could include:

- Covering or attaching items to fire safety equipment in an on-campus residence, including sprinklers, smoke detectors, heat detectors, etc.
- Presence of lit candles or burning incense
- Misuse of firefighting equipment (i.e. unwarranted discharging of fire extinguisher)
- Presence of unattended lit candles and incense

### **Common Outcomes**

- Disciplinary Probation or Suspension
- Housing Probation or Possible removal from housing
- Educational conditions
- Removal of violation by College Official (if applicable)
- Restitution for any damages or fines incurred by College or community members

### **Weapons Policy**

Franklin & Marshall College strictly prohibits the introduction, construction, possession or use of weapons everywhere on campus and college owned or controlled properties off campus.

"College Premises" includes: Events, College-sponsored activities, on and off-campus, College special events, all College -affiliated buildings, and all College owned properties as well as College Row Apartments, College Hill Apartments, JSP Houses and all College approved landlord properties in which Franklin & Marshall students reside. So as to safeguard the College community, this prohibition shall be given the broadest possible interpretation and on grounds.

For the purpose of this policy, weapons include, but are not limited to any device which can expel a projectile and/or other dangerous weapon including:

- Handguns, rifles, shotguns, air guns, pellet guns, "3D" printed weapons, BB guns and any other type of firearm. \*
- Electronic incapacitation devices (Tasers).
- Knives which include but are not limited to any knife with a blade length of more than four inches, any knife with a blade that opens automatically by hand pressure applied to a button, spring or other device in the handle of the knife, or any knife having a blade that opens or falls or is ejected into position by the force of gravity, or by an outward, downward or centrifugal thrust or movement. This excludes eating utensils.
- Axes, swords, bows and arrows.
- Explosives, fireworks or ammunition of any kind.
- Any martial arts or security equipment of a dangerous nature, including Chinese stars, nunchakus, brass knuckles and spiked gloves.
- Weapons printed or constructed from "3D" printer.
- Any other items which, in their intended use, are capable of inflicting serious injury.

Because these weapons may pose a clear risk to persons and property on the campus, violation of the regulations may result in administrative action from the college and/or prosecution under the appropriate state or federal laws.

Weapon: A weapon is generally something used to injure, defeat, or destroy and may cover many types of instruments, such as a blackjack, slingshot, billy, metal knuckles, dagger, knife,

pistol, revolver, or any other firearm, razor with an un-guarded blade, and any metal pipe or bar used or intended to be used in a club, among others.

Possession: Physical possession on the person or placing or keeping a weapon at any location on the College campus, including an individual's living quarters or workplace, in any vehicle, or in an individual's container including but not limited to backpacks, briefcases, purses, wallets, bags and luggage.

Introduce: To bring any weapon onto College property or to assist anyone in bringing any weapon onto College property.

\*No person shall be permitted to carry firearms or other weapons, concealed or not concealed, with or without a concealed weapon permit, while on properties owned or controlled by the College, without the express written permission of the Director of the Department of Public Safety.

## **Hazing Policy**

Hazing is a Violation of College Policy and Pennsylvania State Law. Hazing includes but is not limited to:

- Behaviors occurring on or off campus that are physically, emotionally, or psychologically humiliating or abusive, or endanger the health or safety of an individual or selected group of individuals as part of the process of gaining entrance or acceptance into an established group, team, or organization.
- Any activity as described in this definition upon which the initiation or admission into, or affiliation with, or continued membership in an organization is directly or indirectly conditioned shall be presumed to be “forced” activity, the willingness of an individual to participate in such activity notwithstanding.

What Counts as Hazing?

Hazing includes but is not limited to

- subjecting an individual to extreme mental stress
- or encouraging or requiring willful destruction or removal of public or private property for the purpose of initiation or admission into, affiliation with, or as a condition of continued membership in any organization

The term “hazing” shall also include, but not be limited to,

- any brutality of a physical nature, such as whipping, beating, branding, forced calisthenics,
- exposure to the elements,
- forced consumption of any food, liquor, drug or other substance,
- Any other forced physical activity which could adversely affect the physical health and safety of the individual, and includes activities subjecting persons to extreme mental stress,
  - including sleep deprivation, forced exclusion from social contact
  - forced conduct which could result in extreme embarrassment

- any other forced activity which could adversely affect the mental health or dignity of the individual.

Report an Incident of Hazing

- [Hazing Reporting Form](#)

Franklin & Marshall Hazing Report

- [College's Timothy J. Piazza Antihazing Law Report](#)

## Investigations and Searches

### • Investigation of Student Misconduct

- *Student Expectations:* The Office of Student Affairs or its designee conducts investigations of allegations of student misconduct. Students involved in any investigation are reminded that the Student Code requires that they be truthful at all times, that failure to do so may result in disciplinary sanctions, and that they must cooperate with any investigation by the College.
- *Investigative Meetings:* Investigative meetings are closed meetings and, absent extraordinary circumstances, only the investigating officers and the involved student(s) can be present.

### • Searches

- *Search by Non-College Civil Authorities.* College premises\* occupied by students and the personal possessions of students will not be searched by civil authorities without the authorization of a judicial authority unless the student consents to the search. While civil authorities may ask College officials to be present during a search authorized by appropriate court order, the College may have no authority to contest such a search. The Department of Public Safety is not considered a non-College Civil Authority for purposes of a search of College premises.
- *Search by College Administration.* For College premises, \* application must be made to the Dean of the College before a search is conducted by a member of the administration. This application must specify the reasons for the search and the particular objects or information sought. The student should be present, if possible, during the search. Normally, the College may not remove a student's personal property from the student's room, but this provision shall not be interpreted to permit or excuse the use or storage in the student's room of equipment, property, or materials disallowed in the Room and Food Service Contract or policy statements of the College.

\* College Premises shall include all College-owned properties as well as College Row Apartments, College Hill Apartments, JSP Houses and College-Approved properties in which Franklin & Marshall students reside.

- *Responsibilities of Residents:* The obligations of students with respect to residence in College-owned/approved housing are described below under "Residential and Dining Programs" and are set out in part in the housing contract signed by each student resident before taking occupancy of a room.

*Greek Housing* in order to be assured that the students are living and congregating in safe surroundings, the College reserves the right to request and be granted permission to inspect

fraternities and sororities. The College has the right to require annual reports from fraternities and sororities establishing that they are satisfying federal, state and local government codes.

## Interim Measures

The College may impose interim measures as needed to provide for the safety and well-being of members of the College community, to protect College property or if there is an ongoing threat of disruption to the College's operations. The Vice President for Student Affairs and Dean of Students, or their designee, have authority to impose interim measures, which may include, but are not limited to:

- no communication/no contact orders
- providing a Public Safety escort on campus
- referral to counseling services
- residential, academic or employment modification
- interim suspension.

Interim suspension may include suspension of privileges, as well as suspension from the institution. During an interim suspension, a student may be denied access to College residences and/or the campus, including classes, may be located to a different residences, have class changes made and/or denied access to other College activities or privileges for which the student may otherwise be eligible. The interim suspension does not replace the student conduct process.

## No Contact Procedure

No contact orders are issued by the Dean of Students or Title IX Coordinator at the request of the Office of Student Affairs.

- To request a no contact order, the College administrator should notify the Dean of Students in writing (email) of the parties involved and any additional or exceptional prohibitions to be included.
- A student may request issuance of a temporary no contact order that shall remain in effect *until further notice* while an investigation/review is being conducted.
- No contact orders may be issued regardless of the filing of a formal complaint by a student.
- No contact orders are available to both the complainant and respondent in an investigation.
- No contact orders are usually reciprocal and apply equally to both parties with the exceptions described below.
- The order should state that it prohibits verbal, electronic (including email and all forms of social media), written, and third-party communication between both parties. The order may also clarify the distance the alleged perpetrator must stay away from the claimed victim if they are in the same vicinity on campus.
- The order should address attendance at College –sponsored activities or gatherings. This aspect of the no contact order will be determined by the College Officer requesting the no contact order and specifically stated in the no contact order.
- Retaliation against the complainant in a no contact order, such as barring the complainant from activities or groups, either by the respondent's actions or those of associates of the respondent, is a violation of the Student Code of Conduct and may result in sanctions.
- The no contact order should specify that it is not a legal protective order as issued by a court of law and will not apply to non-College related premises; however, it will apply to College-sponsored activities regardless of the location.
- Reporting of violations of the no contact order is the responsibility of the parties to whom it is issued. Reports of violations can be made to any of the offices that have the authority to issue the no contact order; the Department Public Safety, the Office of Student Affairs or the Title IX Office.

- Alleged violations of the no contact order and/or retaliation will be referred for investigation to the Office of Student Affairs and, if confirmed, will likely result in sanctions. See the Student Code of Conduct for explanation of sanctions.
- No contact orders may be placed or left in place without a finding of responsibility or violation of the student code. At the request of either party, the need for the no contact order may be reviewed.
- The no contact order should identify the resources available to the parties when concerned for their safety: Department of Public Safety at 717-358-3939 or the Lancaster City Police at 911.
- Upon receipt of a no contact order via email both parties are required to immediately respond to the issuer, via email, indicating that they received and understand the order. Failure to do so may be grounds for a sanction
- The Title IX Coordinator or designee will be responsible for keeping a log of all no contact orders.
- At the start of each semester, the person responsible for the log will review all no contact orders. This person will be responsible for notifying the parties to the no contact order of any change in status, or reaffirming the no contact order.

## **Administrative Disciplinary Procedures**

The Office of Student Affairs or designee (hereafter referred to as the Administrative Officer) conducts Administrative Reviews in cases of misconduct, when there is a college need, when expediency requires, [when there is a bias or bias-related incident] or when there is no substantial question of fact. Most Administrative Reviews are held with administrators within the Office of Student Affairs. The objective of the Administrative Review is to review the alleged behavior with the student(s) and to determine whether there has been a violation of the *Student Code* or other College policies or expectations. If a violation has occurred, the student and the Administrative Officer will discuss the behavior(s) and possible consequences. A student who fails to attend an Administrative Review session risks a decision based upon the information available to the Administrative Officer.

These procedures or guidelines allow for consideration of the circumstances. Deviation from these procedures will not be a basis to change a disciplinary decision, unless it has resulted in prejudice to the individual or individuals involved.

Upon receiving information alleging misconduct, which is typically in the form of an Incident Report submitted by Public Safety, a College House Administration staff member, or a student, the Administrative Officer will generally, follow these procedures:

1. The student will receive a request in written form, by email, or by telephone to meet or have an appointment scheduled to meet with an Administrative Officer.
2. At the meeting with the Administrative Officer, the student will be informed of the reason for the meeting.
3. Others present may include a support person, witnesses, representatives from the Committee on Student Conduct and liaisons with specific knowledge important to the case.
4. The student will be asked for his or her account of the incident(s).
5. The student may request to review the Incident Report, if applicable.

6. If a violation of the *Student Code* has occurred, the Administrative Officer will discuss with the student the impact of their behavior and any necessary follow-up.
7. Students are not presumed to be in violation of the *Student Code*; however, Administrative Officers are empowered to make decisions whether or not a violation of the *Student Code* has occurred.
8. At the conclusion of the meeting, if a decision has been reached by the Administrative Officer, the student will be informed of that decision and the sanction, if any. The student will also receive written verification of that decision in a timely fashion. If the Administrative Officer is not able to arrive at a decision at the conclusion of the meeting, the student will be informed of the outcome in written form in a timely fashion. A copy of this letter will be placed in the Student File.

Information in the Student File is confidential, but it may be used for legitimate educational purposes, including conferring prizes and awards, providing recommendations and imposing disciplinary actions.

- **General Provisions**

- a. Pending investigation of the alleged misconduct by the Office of the Vice President and Dean of Student Affairs or pending a hearing before the Administrative Officer or Committee on Student Conduct when the Vice President and Dean of Student Affairs or designee has not yet imposed a penalty, the academic status of the student is not normally altered, nor is their right to be present on campus to attend classes normally suspended, except for reasons relating to the safety and well-being of College property or the physical, academic, or emotional safety or well-being of members of the College community. The decision as to whether to suspend any of the student's rights during the pendency of any proceedings or appeals rests with the Office of the Vice President and Dean of Student Affairs. Where that office determines that it is necessary or advisable to temporarily suspend the rights of a student pending investigation or a hearing, efforts will normally be made to expedite the investigation and/or hearing.
- b. Lawyers/advocates who are not College employees are not permitted at any Committee hearing, informal or formal.
- c. Involved students are expected to attend the Committee hearing and cooperate in the Committee procedures. A student who fails to cooperate in the Committee proceedings may be excluded from the hearing at the discretion of the Committee, and the Committee may proceed to hear the case and make a decision.
- d. An accused student who fails to attend the administrative review or Committee proceeding risks a recommendation of the Administrative Officer based upon the information reviewed.
- e. When a student accused of serious misconduct has left the College before the case can be heard by the Committee on Student Conduct or the Vice President and Dean of Student Affairs or the Dean of Students or designee, the following procedures are invoked:
  - The student will be notified in writing of the charges being brought against them and of the time, date and location of their Administrative Review.
  - The student will also be notified in this same communication that the hearing can and will be held without him or her being present.

- The hearing will be conducted following normal procedures including the rendering of a decision and the student's access to the appeal process.

f. All information about student disciplinary matters, including names, details of the incident and outcomes, is confidential unless otherwise specified within the Student Code. Students found to be in violation of this stipulation will be subjected to discipline as outlined in the Student Code.

g. Students who are suspended or expelled from the College or who are removed from College-owned residential facilities due to disciplinary action are normally not given refunds for fees/tuition paid. Refund decisions are made using the College's published refund schedule.

## **Committee on Student Conduct Hearing Procedures**

### *1. Process*

Any member of the College community (student, faculty, or professional staff) may submit a report to the Office of the Vice President and Dean of Student Affairs. Designated administrators within the Office of the Vice President and Dean of Student Affairs shall make a determination of whether the matter warrants a referral to the Committee or to a different resolution process.

The Vice President and Dean of Student Affairs and the Dean of Students are also authorized to refer any matter to the Committee without regard to whether the matter was raised by a source outside the Office of the Vice President and Dean of Student Affairs.

A student accused of academic misconduct may not drop the course in question until the case has been resolved.

### *b. Procedures*

The object of these procedures is to provide a fair process that enables the College to have a reasonable opportunity to obtain facts and evaluate evidence. A hearing is not a trial, and these procedures should not be followed mechanically without consideration of the circumstances. No failure to follow these procedures will be the basis to change a disciplinary decision unless it has resulted in prejudice to the individual or individuals involved. When appropriate, the Vice President and Dean of Student Affairs and the Dean of Students have the authority to specify alternative procedures for deciding matters of student discipline.

The Committee on Student Conduct has jurisdiction in cases of academic and non-academic misconduct of individuals and recognized student organizations. The Committee observes the following procedures:

1. The Dean of Students or designee will meet with the accused student to discuss the alleged misconduct prior to the hearing. At the pre-hearing interview the student will be advised of the charges against him or her, the procedures followed by the Committee, the Student Code and the student's responsibilities in the hearing process.

2. The student will be informed in writing of the charges against him or her and that it is the student's responsibility to present his or her case before the Committee. This notice will be provided at least five (5) working days before the scheduled hearing date to ensure adequate opportunity to prepare. The specific time and location of the meeting will normally be stated in this notice.

3. Statements written by those who referred the matter to the Office of the Vice President and Dean of Student Affairs or the Committee on Student Conduct will be shared with the accused student prior to the hearing.

4. The student will be informed of the right to choose and be assisted in the hearing by an adviser who must be a member of the College community. The adviser may be present at the hearing and will be given copies of pre-hearing documents that were given to the student. The adviser may not address the Chair, the Dean of Students or designee, the Committee, or other persons at the hearing unless granted permission to do so by the Chair or the Dean of Students or designee, or unless the student asks the adviser to make either the opening or closing statement on behalf of the student. The roles of the adviser will be to assist the student in preparing for the hearing, to assist the student in preparation of a written statement should one be appropriate, and to consult with the accused during the questioning of the accused student. It is highly recommended that the adviser meet with the Dean of Students or designee prior to the hearing. The Committee may elect to authorize other advisers for the hearing participants at its discretion.

5. No member of the Committee on Student Conduct who feels they cannot be impartial or who has an immediate interest in a particular case may participate or be present during the proceedings.

6. Students may question the impartiality of a member of the Committee prior to the hearing and request their withdrawal from the hearing. To do so, they must state their concerns in writing to the Chair. The Chair will then consult with the member in question. The final decision rests with the Chair.

7. All hearings are closed. However, the Chair of the Committee may authorize the attendance of any person it believes may serve a legitimate purpose in the hearing process.

8. The Committee will attempt to conduct the hearing in one session.

9. The Committee will not consider written or oral statements against the student unless the student has been made fully aware of their content and of the names of those who made them, and unless the student has been given the opportunity to rebut unfavorable inferences which might otherwise be drawn. At the hearing, witnesses may be called by the Committee, by those who referred the matter to the Committee, and by the accused student(s). The Committee has the discretion to determine which witnesses and what evidence it will hear to provide the charged student with a fair hearing. The student's list of requested witnesses and any written information being submitted by the student for the Committee's review must be submitted to the Dean of Students or designee at least two (2) working days prior to the hearing.

10. At the hearing, witnesses are heard. The student then gives an accounting of the circumstances leading to the allegations. The Committee queries witnesses and then the student, who has the right to question the witnesses after the Committee.

11. The Committee deliberates in private after hearing the witnesses and evaluating evidence. In making its final decision, the Committee will review all of the information and determine whether it is “more likely than not” that the accused student is in violation of any part of the Student Code. The Committee must first determine if the accused is in violation of any part of the Student Code. If the student is found to be in violation, the Committee will make a recommendation to the Office of the Vice President and Dean of Student Affairs for an appropriate sanction. At this time, background information may be brought to the Committee’s attention to assist it in determining an appropriate sanction. In determining the appropriate sanction, the student’s entire conduct record may be considered. The Office of the Vice President and Dean of Student Affairs typically gives substantial weight to the recommendation of the Committee, but reserves the right to revise the sanction that Committee recommends, or to impose one if deemed necessary.

12. Once the Office of the Vice President and Dean of Student Affairs has concurred with or revised the sanction recommended by the Committee, or imposed a sanction even if the Committee does not find sanctionable conduct, the student is informed as soon as possible of the decision. Written notification of the decision by the Committee and/or the Office of the Vice President and Dean of Student Affairs will be mailed to the accused, with such notification typically sent within four working days of the hearing. The letter will also refer the student to information about the procedures involved in the decision. The person who brings the charge will be informed of the outcome of the hearing, unless the Office of the Vice President and Dean of Student Affairs decides otherwise. In sexual assault cases, the person bringing the charges will be informed of the outcome of the hearing.

13. The sanction goes into effect as determined by the Office of the Vice President and Dean of Student Affairs and ordinarily remains in effect during the appeal process. The student may request that the sanction be postponed during the period of the appeal. If an appeal is submitted, the Dean can give this permission after consulting with the Chair.

14. Copies of sanction letters are placed in the Student File, but there is no notation to the academic transcript, except for sanctions of Probation, Suspension and Expulsion. Information in the Student File is confidential, but it may be used for legitimate educational purposes, including conferring prizes and awards, providing recommendations and imposing disciplinary sanctions.

- **General Provisions**

- a. Pending investigation of the alleged misconduct by the Office of the Vice President and Dean of Student Affairs or pending a hearing before the Committee on Student Conduct when the Vice President and Dean of Student Affairs or designee has not yet imposed a penalty, the academic status of the student is not normally altered, nor is his or her right to be present on campus to attend classes normally suspended, except for reasons relating to the safety and well-being of College property or the physical, academic, or emotional safety or well-being of members of the College community. The decision as to whether to suspend any of the student’s rights during the pendency of any proceedings or appeals rests with the Office of the Vice President and Dean of Student Affairs. Where that office determines that it is necessary or advisable to temporarily suspend the rights of a student pending investigation or a Committee hearing, efforts will normally be made to expedite the investigation and/or hearing.

- b. Lawyers/advocates who are not College employees are not permitted at any Committee hearing, informal or formal.

c. Involved students are expected to attend the Committee hearing and cooperate in the Committee procedures. A student who fails to cooperate in the Committee proceedings may be excluded from the hearing at the discretion of the Committee, and the Committee may proceed to hear the case and make a decision.

d. An accused student who fails to attend the Committee proceeding risks a recommendation of the Committee based upon the evidence it hears.

e. When a student accused of serious misconduct has left the College before the case can be heard by the Committee on Student Conduct or the Vice President and Dean of Student Affairs or the Dean of Students or designee, the following procedures are invoked:

- The student will be notified in writing of the charges being brought against him or her and of the time, date and location of his or her hearing before the Committee on Student Conduct.
- The student will also be notified in this same communication that the hearing can and will be held without him or her being present.
- The hearing will be conducted following normal procedures including the rendering of a decision and the student's access to the appeal process.

f. All information about student disciplinary matters, including names, details of the incident and outcomes, is confidential unless otherwise specified within the Student Code. Students found to be in violation of this stipulation will be subjected to discipline as outlined in the Student Code.

g. Students who are suspended or expelled from the College or who are removed from College-owned residential facilities due to disciplinary action are normally not given refunds for fees/tuition paid.

## Disciplinary Actions and Outcomes

If a student or student organization is found responsible for violation(s) of the Franklin & Marshall Code of Conduct, disciplinary action will be taken. Even in the most challenging situations, however, the College seeks first and foremost to educate its students and make decisions regarding disciplinary actions from an educative perspective.

Every student who is found responsible for a violation will be placed on a Status ranging from a Warning to Expulsion. The descriptions provided below are intended to inform students of the range of possible consequences for failing to uphold the standards of conduct. In each case, factors such as the nature and gravity of the incident, the motivation underlying the behavior, the student's disciplinary history, the impact of the behavior on the educational community, and precedent in similar cases will be considered in determining the appropriate disciplinary action(s). The disciplinary Status listed below may be used alone or in combination with discretionary Conditions. Failure to comply with any disciplinary action could result in a Disciplinary Hold being placed on the student's account, and/or additional conduct charges and may result in additional disciplinary action(s).

### Disciplinary Statuses for Students

#### **Warning**

A warning indicates that a Student was found responsible for a minor policy violation. The warning period indicates that a student is in good standing with the College and that further violations during the

warning period may result in an additional response from the College. Warnings may require specific conditions to be completed.

### **Reprimand**

A Reprimand means that a student was involved in a violation that is considered serious or repetitious, but also a learning opportunity that is not published on the permanent record. It is a reminder that future violations would likely come with more serious consequences. Reprimands may require specific conditions to be completed.

### **Disciplinary Probation**

A Probationary period indicates that a Student has been found responsible for serious or repetitive misconduct and has been put on notice that further violations during the probation may result in extension of the probationary period, additional conditions, suspension, or expulsion. During the period of probation, specific conditions may be assigned. All assigned conditions are required to be completed before their deadlines. Probation could restrict a Student from various leadership positions and opportunities on campus, including responsibilities as a House Advisor and the ability to study abroad. When a student is placed on Probation as a result of disciplinary action, that is considered a change in standing, and parents will be notified.

### **Disciplinary Probation with Transcript Notation**

In serious violations, such as those involving violence or repetitive academic misconduct, the College reserves the right to list the Probation status on a student's transcript. At the completion of the active Probation period, a student may appeal to the Dean of Students for the removal of the notation.

### **Suspension**

Suspension is the immediate removal of the Student's affiliation with the College for a specific period of time, which includes exclusion from classes, College housing, and all other College activities.

Suspended Students are not allowed to be on campus for any reason during the period of suspension and may be arrested for trespassing if found on College property. Students are encouraged not to be present in the city of Lancaster during the period of suspension.

Specific conditions will be required to be completed prior to the Student's return.

When a student is placed on Suspension as a result of disciplinary action, that is considered a change in standing, and parents will be notified.

Suspension is an opportunity for a Student to return and successfully complete a degree from Franklin & Marshall. Students returning from Suspension must file a petition for readmission with the Dean of Students.

Once the term and the conditions of a suspension are completed, a Student will receive a formal letter from the College approving the return. It is the responsibility of the Student to contact their academic department to discuss returning.

Suspensions are recorded for a stated period of time on any College transcript issued as "Suspended, Committee on Student Conduct, (date)" or "Suspended, Administrative Action, (date)."

Students are encouraged to participate in meaningful life experience during their separation, which could include working, performing community service, taking classes or some other engaged activity, and may request permission to earn up to two academic credits per term during the period of suspension.

### **Expulsion**

Expulsion is a permanent involuntary separation of a Student from the College. Under typical circumstances, readmission is not possible. It implies that an appeal for readmission would not be granted.

An expelled student forfeits the rights of membership and participation in the College Community and may not be on College property without prior permission of the Office of Student Affairs.

Expulsion is recorded on the student's on any College transcript issued as "Expelled, Committee on Student Conduct, (date)." or "Expelled, Administrative Action, (date)."

If a student is expelled, the student's case will automatically be reviewed by the Office of the Provost and the student will be invited to add any supporting arguments or documents. This step constitutes the first step in the appeal process.

When a student is expelled as a result of disciplinary action, that is considered a change in standing, and parents will be notified.

### **Discretionary Conditions**

In addition to a status, and in support of the educational goals of the discipline process, a student may be assigned conditions they must complete successfully in order to bring closure to their case.

### **Conditions could include**

- Workshop or class
- Meeting with a mentor
- Participation in restorative process
- Online seminar
- Reflection activity
- Use of a campus or local resource
- Loss of privileges
- Community restitution
- Meaningful life experience
- Residential Probation
- Removal from housing or reassignment of residence.

## **Statuses for Student Organizations**

### **Warning**

A warning indicates that a Student Organization was found responsible for a relatively minor policy violation. Written notice to a Student Organization that continued or further violations of any College policy, rule, or regulation within a specific period of time may result in an additional response from the College. Warnings may require specific conditions to be completed.

### **Reprimand**

A Reprimand means that a Student Organization was involved in a violation that is considered serious, but also a learning opportunity. It is a reminder that future violations would likely come with more serious consequences. Reprimands may require specific conditions to be completed.

### **Probation**

Probationary periods indicates that a Student Organization is no longer in good standing with the College but is permitted to retain College registration on a probationary status. Further violations during the Probation period may result in extension of the probationary period, additional conditions, or suspension or expulsion. During the period of Probation, specific conditions may be assigned. All assigned conditions are required to be completed before their deadlines. If a Student Organization with an inter/national affiliation is found responsible for misconduct and is placed on a status of Probation, Franklin & Marshall will inform the national/international office of the decision.

## **Suspension**

Student Organization Suspension denotes the temporary revocation of College recognition and all privileges thereof, beginning immediately and for a period of time, with the opportunity of reinstatement. This Suspension is defined as having no existence of a formal or informal organization of students in the name of the organization, or any of its alumni organizations, on or off campus at Franklin & Marshall.

- A. Suspended Student Organizations may lose certain privileges, such as use of campus facilities, participation in College activities, use of allocated funds, recruitment, or new member education activities.
- B. If a Student Organization with an inter/national affiliation is found responsible for misconduct and is placed on a status of Suspension, Franklin & Marshall will inform the inter/national office of the decision.
- C. If a Student Organization on suspension is found to be recruiting or initiating new members, individual Students will be held accountable and the return from Suspension for the organization could be in jeopardy.

Specific conditions will be required to be completed prior to the Student Organization's return.

## **Expulsion**

The Expulsion of a Student Organization denotes the permanent revocation of College recognition and all privileges thereof, without the opportunity for reinstatement at any time. This Expulsion is defined as a Student Organization having permanent exclusion from all College programs and services including, but not limited to: student government recognition, College funding, advertising the Student Organization and/or displaying the Student Organization name or letters; the inability to participate in or sponsor any activities as a Student Organization, to participate in recruitment and pledging activities; or for Organization members to hold positions related to their membership in the suspended Student Organization (i.e., IFC or Panhellenic positions, applicable student government or judicial board positions).

## **Discretionary Conditions for Organizations**

In addition to a status, and in support of the educational goals of the discipline process, a student organization may be assigned conditions they must complete successfully in order to bring closure to their case.

### **Conditions could include**

- Workshop or class
- Meeting with a mentor
- Participation in restorative process
- Reflection activity
- Use of a campus resource
- Loss of privileges
- Community restitution
- Residential Probation
- Removal from housing or reassignment of residence.

## Appeals

The Student Code provides students and student organizations the right to appeal the original decision involving their charges. Depending on the type of hearing process, administrative or Committee on Student Conduct, there are different appeals processes.

The purpose of an appeal is not to initiate a review of substantive issues of fact or for a new determination of whether a violation of college rules has occurred. A review may follow from a finding that new evidence not available at the original disposition exists but only upon remand for additional consideration by the Committee on Student Conduct or administrative review.

### ***Appeal of Administrative Misconduct Review or Disciplinary Hearing Decisions***

Students who receive a disciplinary status as a result of an administrative misconduct review or discipline hearing may appeal the decision to the Office of Student Affairs. The student must file their appeal in writing with the grounds noted with the appropriate administrator, who now for the purposes of this process becomes known as the appeal officer, within five (5) working days after the administrator issues written notification of the decision. Following review of a particular case, the appeal officer may issue an outcome more or less severe than the original outcome if warranted or confirm the original outcome, or may otherwise adjust the initial disciplinary decision in the appeal's officer's sole discretion.

Appeals can be sought on the following two grounds:

- On a claim of error in the procedures that affected the outcome; and/or
- On a claim of new evidence, information, or material that was not available at the time of the disposition and is relevant to the case. The decision of whether there are grounds for appeal is at the sole discretion of the appeal officer.

If the Administrative Officer determines there are grounds for appeal, the appeal officer will observe the following procedures:

1. Discussing the circumstances of the case and the appeal with the student.
2. Further discussing the case and the appeal with the Administrative Officer who issued the original outcome.
3. Rendering a decision on the appeal within 30 working days from the time that the student files it, unless extenuating circumstances require delay in the appeal process.
4. Including in the decision the findings of fact on which the decision is based. The appeal officer, however, need not give detailed reasons for the decision reached or the outcome imposed.
5. The decisions of the appeal officer are final.

### ***Appeal of Committee on Student Conduct Decisions***

A student may appeal a Committee on Student Conduct decision in his or her case to the Office of the Provost (or designee), described hereinafter as the appeal officer. The student must file this appeal in writing, with the grounds noted, with the appropriate officer, within five (5) working days after the Office of Student Affairs issues its written notification of its decision. Appeals can be sought on the following two grounds:

- On a claim of error in the hearing procedure that affected the outcome of the hearing; and/or
- On a claim of new evidence, information or material that was not available at the time of the hearing and is relevant to the case.

The decision regarding whether there are grounds for an appeal is at the sole and final discretion of the appeal officer.

In determining whether there are grounds for an appeal, the appeal officer meets with the Chair and the Adviser to the Committee on Student Conduct to review the procedures that the Committee followed and

the evidence that it considered. If the appeal officer considers it necessary, they may meet with a number of Committee members or the Committee as a whole.

If the appeal officer finds no grounds to hear an appeal, the student will be informed in writing. The appeal officer need not give detailed reasons for the decision reached.

If the appeal officer decides there are grounds for an appeal, the student has the choice of requesting that the Committee on Student Conduct rehear the case or that the appeal officer hear the appeal.

If the Committee agrees to rehear the case, it will then decide whether to rehear the case in its entirety or to rehear portions thereof. Following the rehearing, whether in part or in full, the Committee will make a recommendation to the appeal officer, who will then determine the appropriate outcome as described above. Following review of a particular case, the appeal officer may issue an outcome more or less severe than the original outcome to warrant or confirm the original outcome, or may otherwise adjust the recommendation of the Committee in the appeal's officer's sole discretion. The decision of the appeal officer is final.

If the Committee refuses to rehear the case, then the case will automatically be referred back to the appeal officer to hear the appeal.

In hearing the student's appeal, the appeal officer will utilize the following procedures:

1. Discussing the circumstances of the matter and the appeal with the student.
2. Further discussing the matter and the appeal with the Chair of the Committee on Student Conduct, where appropriate, a number of Committee members, or the Committee as a whole.
3. Rendering a decision on the appeal within 30 working days from the time that the student files it, unless extenuating circumstances require delay in the appeal process.
4. Including in the decision the findings on which the decision is based. The appeal officer, however, need not give detailed reasons for the decision reached or the status or conditions imposed.
5. The decisions of the appeal officer or designee are final.