

STUDENT HANDBOOK



Westfield
STATE UNIVERSITY

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MESSAGE FROM THE DEAN OF STUDENTS



Welcome Westfield Students!

We are thrilled to have you!

While each of you are different and bring rich and varied experiences with you to this community, by the end of your time at Westfield you will have had several shared experiences—friendship, discovery, and enrichment. Know we are committed to providing you with an environment that aids you in these experiences as well as your academic pursuits and personal goals.

This commitment comes with shared responsibilities of collaboratively creating a sense of belonging, taking care of each other promoting an environment of positive well-being, and engaging in dialogue with respect and integrity. We ask that when these values fall short in our community, you challenge yourselves and each other to do better.

Being a part of this community is a privilege and engaging in it takes practice. On the pages that follow are the expectations this community has of each other. As a member of this community, you are expected to embrace these expectations and review the accompanying policies. In the chance you fall short meeting these expectations, know we will surround you with support and educational opportunities to help you re-establish your academic focus and positive interactions with the community.

We look forward to all the positive and varied contributions you will bring to WSU!

Welcome to the nest!

Maggie Balch
Dean of Students

STUDENT CONDUCT REGULATIONS AND PROCEDURES INTRODUCTION

Westfield State University recognizes that the student, as an adult member of society and a citizen of the United States of America, is entitled to respect and consideration and has the right to the constitutionally guaranteed freedoms of speech, assembly and association. The University further recognizes the student's right within the institution to freedom of inquiry and to the reasonable use of services and facilities of the University which are intended for their education.

In the interest of maintaining order on the campus and guaranteeing the broadest range of freedom to each member of the community, some regulations have been developed by students, administrators, and faculty acting in concert. These regulations reasonably limit some activities and also prohibit certain behaviors which are harmful to the orderly operation of the University and the pursuit of its legitimate goals. All members of the community are required to educate themselves on regulations which are printed in the Student Handbook, the Housing Agreement, the Equal Opportunity, Nondiscrimination, and Title IX Plan, and other official publications.

Violations of the University regulations will be handled through the University disciplinary process, which is established to resolve complaints of non-academic student misconduct. The disciplinary procedure is designed to protect due process rights and to reach decisions that are in the best interest of both the student and the University. Students charged with misconduct are afforded the right to written notice of charges, right to a fair and impartial hearing, and right of appeal.

Exceptions to the disciplinary procedure described within are that allegations of discriminatory harassment (based on race, color, religion, national origin, age, disability, sex, sexual orientation, gender identity, gender expression, pregnancy and pregnancy-related conditions, genetic information, marital or parental status, or veteran status) or sex based harassment (sexual harassment, sexual assault, domestic violence, dating violence and stalking) shall be handled through the procedures described in the Equal Opportunity, Nondiscrimination and Title IX Plan.

Violations of state and federal law will subject the violator to criminal and/or civil court procedures. Whenever any such violation of the law, whether committed on campus or off-campus, has an impact on the integrity of the University's own rightful responsibilities and activities, the violator will not only be subject to civil

and criminal court procedures, but will also be subject to the University disciplinary procedure. The University disciplinary process in no way deprives a person who incurs injury or damages from seeking redress in the civil or criminal courts.

Actions taken under the Student Code of Conduct are administrative and not criminal in nature. A student can be found responsible under the Student Code of Conduct even if the conduct would not constitute a criminal offense. If a prosecutor has determined not to prosecute a case as a criminal matter or if the student was found “not guilty” in a criminal proceeding, the University may still hold the student accountable through the regulations and procedures found herein.

For further information about the University disciplinary process, contact the Office of Student Conduct in the Ely Campus Center, Room 209.

STUDENT CONDUCT REGULATIONS

The following regulations demonstrate conduct that is prohibited and will subject students to disciplinary action. Any serious criminal offense committed on campus shall also be subject to investigation and referral, as necessary, to the Massachusetts State Police and the Hampden County District Attorney’s Office in addition to the University disciplinary system.

These regulations shall apply to all full-time and part-time students of the University. A student is defined as any individual currently admitted, registered or enrolled in any University academic course or academic program. For the purposes of these regulations, an individual is also considered a student if, at the time of the reported incident, they were admitted to, registered or enrolled in any University academic course or academic program.

Please note that any violation of the regulations described below (1-32), will be used to adjudicate all Student Conduct violations. Allegations of discriminatory harassment (based on race, color, religion, national origin, age, disability, sex, sexual orientation, gender identity, gender expression, pregnancy and pregnancy-related conditions, genetic information, marital or parental status, or veteran status) or sex based harassment (sexual harassment, sexual assault, dating violence, domestic violence, and stalking) shall be handled through the procedures described in the Equal Opportunity, Nondiscrimination, and Title IX Plan.

1.	Disruption of teaching, learning, research, administration, residence hall living environment, student conduct activities, or other related support activities that are recognized as necessary to the lawful mission of the University.
2.	Any violation of state, federal, or local law which coincidentally interfere with the legitimate aims, purposes, activities, and responsibilities of the University.
3.	Assaulting/placing another person in fear of imminent physical danger and/or striking any member of the University community, visitor, or guest.
4.	Physical fighting and/or any unauthorized mutual physical contact of any nature including pushing, shoving, wrestling, punching, and hitting, etc..
5.	Violations of sex based harassment as described in the Equal Opportunity, Nondiscrimination, and Title IX Plan including sexual harassment, sexual assault, dating violence, domestic violence, and stalking.
6.	Physical abuse, verbal abuse, intimidation or threats to any member of the university community, visitor or guest.
7.	Harassing, intimidating, or bullying any member of the University community, visitor or guest. This includes verbal or physical conduct of a threatening, intimidating, or humiliating nature committed by any means such as orally, electronically, in writing, or through any social media.
8.	Causing physical harm or attempting to cause physical harm to oneself.

9.	Promoting or participating in hazing or other activities which cause undue physical or mental harm, duress, or humiliation to an individual. In accordance with Chapter 665 of the Massachusetts Acts of 1987, the organization of or participation in hazing is illegal. Hazing means any conduct or method of initiation into any student organization which willfully or recklessly endangers the physical or mental health of any student or other person. (see Hazing Law)
10.	Making or causing to be made bomb threats or false fire alarms, or maliciously or negligently causing fires.
11.	Knowingly damaging or tampering with fire detection or firefighting equipment or any part thereof such as pull stations, extinguishers, smoke and heat detectors, fire hoses, cabinets, and other encasements.
12.	Possession or use of firearms, explosives, fireworks, other similar materials, weapons, and/or potentially dangerous or lethal devices. Such other materials, weapons, and/or potentially dangerous or lethal devices shall include, but are not limited to, knives (kitchen utensils or jackknives used for lawful purposes are excluded), swords, nunchuks, brass knuckles, throwing stars, and guns of any nature including paintball guns, taser guns, pellet guns, and any gun having the capacity to shoot any kind of projectile.
13.	Unauthorized entry or presence in or on University buildings, rooms, areas or structures, or refusing to vacate such buildings, rooms, areas, or structures upon lawful request.
14.	Entry or presence in or on areas or structures not designed for public use.
15.	Cohabitation in University housing facilities. Cohabitation is defined as any unauthorized person residing in or attempting to reside in any University room, suite, apartment, or building.

16.	The theft, unauthorized taking or use, or possession of goods or property belonging to other persons or the State.
17.	Destruction, damage or abuse/misuse of the property of another or the State.
18.	Unlawful possession or use of drugs, controlled substances, or drug paraphernalia. Unlawful distribution or sale of drugs or controlled substances (see Alcohol and Other Drug Policy).
19.	Failure to comply with University alcoholic beverages or smoke and tobacco regulations as published in this handbook (see Alcohol and Other Drug Policy).
20.	Failure to comply with a University student conduct system order including failure to complete student conduct sanctions as assigned.
21.	Gambling, or any unlawful bookmaking or betting of any nature prohibited by state law.
22.	Falsification or aiding or abetting in the falsification of University records or the possession or use of false University records including, but not limited to, transcripts, grade reports, student identification cards or other forms of identification which the University deems necessary to achieve a lawful and legitimate purpose. Providing false information to or knowingly withholding information from any University official, office, or student conduct hearing panel.
23.	Failure to comply with a legitimate order of an officer of the University (faculty, administrative, staff, security, or RA personnel), including, but not limited to, the failure to present proper identification upon the lawful request of an officer and interfering with staff in the performance of their duty.

24.	Acts of discrimination or discriminatory harassment based on race, color, religion, national origin, age, disability, sex, sexual orientation, sexual orientation, gender identity, gender expression, pregnancy and pregnancy-related conditions, genetic information, marital or parental status, or veteran status as published in the Equal Opportunity, Diversity, and Affirmative Action Plan.
25.	Violation of the Housing Agreement as published by the Office of Residential Life, or any violation of residence hall regulations as published by the individual residence halls or the Office of Residential Life.
26.	Failure to comply with University and CDC guidelines as it relates to Public Health Crisis.
27.	Violation of Food Service policies or regulations as published by the Dining and Food Service management.
28.	Violation of University motor vehicle regulations as published by the Department of Public Safety.
29.	Violation of the Acceptable Use of Computer and Communications Equipment Policy and the Westfield State University Computing Resource Policy as published and made available by the Office of Information Technology.
30.	Violation of the Free Speech/Demonstration/Picketing Policy as published in the University's Policy manual.
31.	Violation of University policy as published in the University's Policy manual.
32.	Failure to properly supervise student or nonstudent guests/visitors. Residents will be held responsible for the behavior of their guests/visitors.

STUDENT CONDUCT PROCEDURES

The following procedures, described in Section A-I below, will be used to adjudicate all Student Conduct violations, except for Allegations of discriminatory harassment (based on race, color, religion, national origin, age, disability, sex, sexual orientation, gender identity, gender expression, pregnancy and pregnancy-related conditions, genetic information, marital or parental status, or veteran status) or sex based harassment (sexual harassment, sexual assault, dating violence, domestic violence, and stalking) shall be handled through the procedures described in the Equal Opportunity, Nondiscrimination, and Title IX Plan.

A. Student Conduct Administration and Staff

1. The responsibility for the management and administration of all nonacademic student discipline matters rests with the Dean of Students or their designee, referred to as the Student Conduct Officer. The Student Conduct Officer/designee shall process all disciplinary action against students who are alleged to have violated the Student Conduct Regulations.
2. The Student Conduct Officer may recruit and supervise undergraduate and graduate student interns, upon notification to the Student Government Association, whose duties shall include assisting and/or representing the Student Conduct Officer in the resolution of any student disciplinary matter.
3. The Dean of Students/designee shall have the authority to determine any given conduct matter whether the matter is heard before an administrative hearing officer or the Student Conduct Board. General Student Conduct Board procedures contained herein would apply to hearings conducted by an administrative hearing officer.

B. Student Conduct Board Membership and Term of Office Membership

The Student Conduct Board, hereafter called the Board, shall be independent from other University organizations and committees at Westfield State University and shall be comprised of five (5) members, all of whom may hear a matter at any one time. A small pool of alternate members may be maintained and used as needed. The composition of the Board shall be three (3) students, one (1) administrator and one (1) faculty member.

Selection

The members of the Board shall be approved by the Dean of Students as follows: three (3) student members appointed by the Student Government Association, one (1) administrator and one (1) faculty member appointed by their respective bargaining units. The Dean of Students may appoint members to the Board as needed if bargaining units do not put forth appointments as described above.

Chairperson

The members of each Student Conduct hearing panel shall elect a student chairperson who shall preside over the student conduct hearing.

Quorum

Each matter presented to the Board shall be heard by a panel of at least four (4) members, except in the case of a No Contact Order, which shall be heard by a panel of at least three (3) members. In any given case, after notification by the Student Conduct Officer that a hearing panel quorum is unavailable, the Dean of Students/designee shall appoint a designated Hearing Officer, who will conduct the student conduct hearing and render decisions. The Officer hearing a case shall follow the general Student Conduct Board procedures and shall have the same decision-making authority as the Board in all matters.

Term of Office

The term of office for each member shall be one (1) year commencing with the first day of class scheduled by the University in September of each year.

Disqualification

- No student may be a member of the Student Conduct Board and be a member of the University Police or the Office of Residential Life staff concurrently.
- No administrator may be a member of the Student Conduct Board and be a member of the University Police and the Office of Residential Life staff concurrently.
- No member may serve on any panel deliberating any issue with respect to which the member is an interested party or witness to the matter being heard. No member may serve on any panel if they are biased in the matter. Determination of bias is to be made by the Dean of Students, and/or a majority vote of the Student Conduct Board hearing panel.
- A member's status shall be subject to review and a member may be removed by the Dean of Students, in agreement with the President of the respective recommending unit, if the member is found to be in violation of University regulations or if the member is not fulfilling the requirements of the position.

Jurisdiction

The Board shall have jurisdiction in the following matters:

Disciplinary Actions - The Board shall have jurisdiction in matters involving violations by students of nonacademic regulations at the University. In any disciplinary action taken by the University against any student, the Board/Hearing Officer shall have sole jurisdiction except as provided in sections B, G, and K of this code. Exceptions to the disciplinary procedure are that allegations of discriminatory harassment (based on race, color, religion, national origin, age, disability, sex, sexual orientation, gender identity, gender expression, pregnancy and pregnancy-related conditions, genetic information, marital or parental

status, or veteran status) or sex-based harassment (sexual harassment, sexual assault, dating violence, domestic violence, and stalking) shall be handled through the procedures described in the Equal Opportunity, Nondiscrimination, and Title IX Plan.

- **Sanctioning Actions** - Whenever any student admits responsibility for any offense charged, a meeting to determine sanctions will be afforded the student with the Dean of Students/designee. Sanctions shall be assigned by the Dean of Students/designee in accordance with the guidelines for sanctions contained herein. Any student who does not admit responsibility for any offense charged will be forwarded to the Student Conduct Board as described above. Any student aggrieved by the decision regarding assigned sanctions may appeal said decision pursuant to the appeals guidelines outlined in Section I of this code.
- **No Contact Orders** - Any individual who feels they are being intimidated or harassed by another individual may seek from the Student Conduct Board and/or Dean of Students, a University No Contact Order prohibiting such action.
- **Off-Campus Jurisdiction** - When a criminal violation is committed off campus and a court conviction ensues, the violator may be subject to the Board's disciplinary jurisdiction if the Vice President Enrollment Management and Student Affairs/designee determines that the criminal violation interferes with the integrity of the University's rightful responsibilities and activities. Further, an off-campus criminal violation, regardless of any court status, may subject the alleged violator to the Board's disciplinary jurisdiction if the Vice President of Enrollment Management and Student Affairs/designee at their discretion determines that the alleged violator constitutes a danger to persons or property on or off campus or has engaged in off-campus conduct that affects the welfare of the campus community. Such behaviors that may be subject to University disciplinary action include, but are not limited to, physical assault and battery, sexual assault, harassing or intimidating behavior, damage to other's property, unlawful alcohol gatherings, disruptive behavior, selling or distributing drugs, and any drug possession where the evidence indicates intent to sell or distribute controlled substances. Also, any student who exhibits chronic behavioral issues off campus may be subject to University disciplinary action under these guidelines.

C. Complaint Procedures

Complaints concerning disciplinary action shall be presented to the Student Conduct Officer in writing by the complaining party for action in accordance with the provisions set forth herein.

Disciplinary Action

With regard to disciplinary action, matters shall be brought forth for a hearing as follows: The Student Conduct Officer/designee shall give to the student reasonable notice, in writing, of the charges against them, the particular regulation which the student has alleged to have violated, the basic facts including dates and times on which the charges are based, the time and date of the hearing, which the hearing shall be held within forty-five (45) school days of the Notice of Hearing and Charges, and the existence of these regulations and applicable sanctions. The notice shall contain a statement that the student may:

- Request from the Student Conduct Officer/designee a list of witnesses against the student,
- Review substantive evidence to be used against the student,
- Ask questions and present witnesses at a hearing, and
- Seek counsel of the student's choice, who may advise, but shall not represent the student at the discipline hearing.
- A request by the University that a student pay a fee or the cost of damage or loss proven to be caused by the student shall not be deemed to be "disciplinary action" and shall be subject to the Board of Trustees policy on outstanding debts.

No Contact Orders

With regard to no contact orders, matters shall be brought forward for hearing as follows:

- Any complainant, witness, or any other person may appear before the Board, Dean of Students/designee, ex parte, to request that the Board or Dean of Students/designee issue an order prohibiting an individual from interfering with the rights and freedoms of said complainant, witness, or other person.
- The Board or Dean of Students/designee shall have the discretion to determine whether a University No Contact Order shall be issued.
- The hearing panel shall decide all matters with respect to the issuance of University No Contact Orders by a simple majority vote.
- If issued, a University No Contact Order shall remain in effect until rescinded by the Board or Dean of Students/designee at the request of the individual against whom the order has been issued and after a hearing conducted under such procedure as the Board or Dean of Students/designee may determine to be appropriate.

- Violation of a University No Contact Order may be the basis of a disciplinary complaint, subject to the sanctions imposed pursuant to the disciplinary procedure set forth herein.

Hearing Procedures

Any student who is accused of a conduct code violation shall be afforded the opportunity for hearing. The student shall be given a reasonable notice, in writing, of the charge against them, the particular violation or regulation which the student is alleged to have violated, the basic facts including the dates and times on which the charges are based, and the time and date of the hearing. The hearing will proceed as follows:

- The accused student shall have the right to be assisted and counseled by the person of their choice. This person may be present at the hearing to advise and counsel, but may not represent the student to the Board or enter into direct examination.
- The accused student shall have the right to ask questions and to present witnesses on their behalf.
- The accused student shall not be required to testify against themselves but shall be deemed to have waived their right if they should testify at all.
- The decision of the panel shall be based solely upon the evidence presented at the hearing.
- No student shall be found responsible of any offense charged unless a minimum of three-fourths ($3/4$) of the members of the panel believe that student, based on the evidence presented, is more likely than not to be responsible.
- An audio/video recording of the hearing shall be made by the University and shall be made available for use by the accused student for purposes of appeal only.
- All hearings shall be closed to the public.
- The decision of the panel shall be in writing and shall include specific findings regarding the responsibility of the student on each charge, as well as information regarding the student's right to appeal pursuant to Section I of this code.

E. Witnesses

In regard to matters heard by the Board, at least three (3) days before the hearing, if the student so requests, the accused student shall be given the names of all witnesses against them by the Student Conduct Officer, unless the Dean of Students/designee shall rule, after an informal hearing at which the student and the Student Conduct Officer present arguments, that the safety or welfare of said witnesses may be endangered or threatened if their names are disclosed to the student.

F. Evidence

- In regard to matters heard by the Board, the accused student shall have the right to review the substance of the evidence to be used against them at the hearing and shall be notified of any exculpatory evidence of which the Student Conduct Officer may be aware.
- The Board need not follow the general rules of evidence. Generally, the Board may choose to consider no statement against the accused student unless the person making said statement is present at the hearing. If a person cannot be present, a written statement from that person may be submitted to the Board upon verification by the Student Conduct Officer. Such statement will be assigned appropriate weight based on the information presented, and if applicable, the fact that the person is not present to provide clarifying information or answer any questions. Irrelevant, immaterial, and unduly repetitious evidence may be excluded. The Dean of Students/designee shall make rulings on the admission of evidence including, but not limited to, official business records, official documents, authoritative resource material, medical statements or treatment records, records of regularly conducted activity, public records, and any other evidence deemed reliable by the Dean of Students/designee and to be important to the matter at hand.

G. Waivers

- Any student may waive any of their rights hereunder, including the student's right to a hearing. The Student Conduct Officer, Residential Life Professional Staff, or other designated student conduct staff, in consultation with the Dean of Students/designee, may accept a student's waiver of a hearing, or postpone a step in the hearing procedure for the purpose of resolution by agreement of the parties. A student need not waive their right to a hearing and may request to meet with the Student Conduct staff/Student Conduct Board.
- Any student may waive their right to a hearing before a Student Conduct hearing panel and may elect to have their case heard by the Dean of Students/designee. The Hearing Officer hearing a case shall follow the general Student Conduct Board hearing procedures. In the event of an appeal, Section I procedure shall apply.

H. Sanctions

In regard to matters heard by the Student Conduct Board/Hearing Officer, the Board/Hearing Officer is authorized to impose one or more of the sanctions listed below. The Board shall require a three-fourths (3/4) majority vote in order to impose any sanction. The recommended sanction shall be implemented by the University at the expiration of the appeal period, unless the Board/Hearing Officer determines that the sanction shall be implemented immediately.

Sanctions shall be determined based on the severity of the infraction, the prior history of the student, and any facts and circumstances relevant to each case. Students who have multiple conduct violations may be subject to more serious and progressive sanctions in addition to those outlined in individual University policies.

In regard to student violations handled through the policies and procedures contained in the Equal Opportunity, Diversity and Affirmative Action Plan and within the Title IX Sexual Harassment Policy, sanctions shall be imposed pursuant to those policies and procedures, and the disposition and sanctions issued to a student will be reported to the Student Conduct Office and become part of the student's disciplinary record.

Note: Failure of a student to follow through with a sanction will result in the automatic elevation of the sanction to the next level after the failure is proven through due process procedures published in the Student Conduct Code.

Admonition	A warning or advice that certain conduct has been inappropriate.
Censure	A written reprimand.
Restitution/ Work Project	Compensation, for damage or offense committed, through the payment of money or through an appropriate work requirement related to the offense.

Restitution/ Work Project	Compensation, for damage or offense committed, through the payment of money or through an appropriate work requirement related to the offense.
Suspension of Specific Privilege	Loss of specific privilege or privileges for a specific period of time. Such restrictions include, but are not limited to, prohibition from events, programs, residence halls, campus areas, or other activities of the University.
Counseling	Referral of a student to a counseling service for evaluation and recommendations. This may also include a referral to the Substance Education Program or to a substance abuse counselor, who may be in an off-campus agency. Any expense incurred shall be the responsibility of the student.
Probation	A period of time during which the student's actions are subject to close examination. Offenses committed during this period will be considered with prejudice by the Hearing Officer/Student Conduct Board.
Residential Review	An action taken against a student placing their resident status in jeopardy. As a result of this action, the student's housing status will be reviewed at the end of the semester in order to determine whether or not the individual should be allowed to remain in, or be admitted to, on-campus housing.
Deferred Suspension From University Housing	A deferred removal from University housing for a specific period of time. Any proven offense committed during this period will cause the suspension to take effect immediately for the balance of the period in addition to any sanctions given for the latest offense.

<p>Deferred Suspension From University Housing</p>	<p>A deferred removal from University housing for a specific period of time. Any proven offense committed during this period will cause the suspension to take effect immediately for the balance of the period in addition to any sanctions given for the latest offense.</p>
<p>University Housing Suspension</p>	<p>Removal from University housing for a period of one or two semesters or portion thereof. This includes prohibition from entering all University housing facilities. After the student has gone through a residential review and University housing eligibility has been restored, the student may be readmitted by way of regular waiting list procedures. (Note: Depending on the availability of University housing and current waiting list procedures, there is no guarantee that a student who is suspended from housing will be able to return to campus to live after their suspension is complete.)</p>
<p>University Housing Expulsion</p>	<p>Permanent removal from University housing. This includes prohibition from entering all University housing facilities.</p>
<p>Deferred Suspension From the University</p>	<p>A deferred removal from the University for a specific period of time. Any proven offense committed during this period will cause the suspension to take place immediately for the balance of the period in addition to any sanction given for the latest offense.</p>
<p>University Suspension</p>	<p>Removal from the University for a period one, two or three semesters or part thereof. This includes prohibition from entering all University buildings, grounds, activities and events. No registration, class attendance, participation in cocurricular activities or University housing will be permitted during this time.</p>

University Suspension	Removal from the University for a period one, two or three semesters or part thereof. This includes prohibition from entering all University buildings, grounds, activities and events. No registration, class attendance, participation in cocurricular activities or University housing will be permitted during this time.
Limited Expulsion	Removal from the University. This includes prohibition from entering all University buildings, grounds, activities and events. No registration, class attendance, participation in cocurricular activities or University housing will be permitted. Review for readmittance will be granted only after expiration of two (2) calendar years from the time of removal.
Expulsion	Permanent removal from the University. This includes prohibition from entering all University buildings, grounds, activities, and events. No registration, class attendance, participation in cocurricular activities or University housing will be permitted.

Major Offenses: A major offense is one which does harm or potential harm to persons or property. A major offense may meet with minimum sanction of immediate suspension from housing or a suspension or expulsion from the University based on the severity of the incident. Examples of these offenses which may meet with a minimum suspension from University housing include, but are not limited to, harassing, intimidation, and/or threats, kegs, physical fighting, possession or use of drugs, and vandalism. Examples of those offenses which may meet with a minimum suspension or expulsion from University include, but are not limited to, the violations described above or any violation of fire safety, assaulting and striking another person, possession or use of firearms or other weapons/lethal devices, sexual assault, stalking, resisting arrest, inciting a riot, and hazing.

Major Alcohol Offenses: The following violations shall meet minimally with an immediate suspension from housing for one (1) full academic semester or more:

- The possession or use of alcoholic beverage containers such as kegs, beer balls, or the functional equivalent (whether full, partially full or empty) as well as punch bowls or any containers that indicate the probability of common source drinking or bar service, in any University building or on any University grounds, is prohibited and shall constitute a major infraction of University regulations.
- The delivery, gratuitously or for sale, of alcoholic beverages to a person under the age of twenty-one (21) is prohibited and shall constitute a major infraction of University regulations.
- The promotion or solicitation of any alcohol related activity that is not sponsored by the University.

Other Alcohol Offenses: All other alcohol offenses are subject to the following sanctions:

First Offense

Ten (10) hours of participation in community events or a work project and completion of University substance education classes. A \$100 service fee will be assessed and made payable within thirty (30) days of a University disciplinary procedure decision. Additional sanctions may be given for large amounts of alcohol or disorderly conduct. Individual exceptions regarding the modification of attendance at substance education classes will be based solely on academic reasons.

Second Offense

Suspension from University housing for one (1) academic semester or more with readmission to occur after verification of completion of a counseling evaluation and any recommended follow-up treatment. Depending on the availability of housing and current wait list procedures, there is no guarantee that a student who is suspended from housing will be able to return to campus to live after their suspension is complete.

Third Offense

Suspension from University for one (1) academic semester or more with readmission to occur after verification of completion of a counseling evaluation and any recommended follow-up treatment.

I. Appeals

Appeal Procedure

With regard to any matter over which the Board/Hearing Officer has jurisdiction, any accused student, aggrieved by a decision of the Board/Hearing Officer, may appeal said decision by filing a Notice of Appeal Form within five (5) working days of the date of the decision of the Board/Hearing Officer.

Appeals may be submitted on the following grounds:

- to allege a material procedural error within the hearing or resolution process that would substantially change the outcome; or
- to consider new evidence that was not known at the time of the hearing/investigation that would substantially change the outcome.

Appeals will not be considered on any other basis.

Upon timely receipt of the Notice of Appeal Form, the Student Conduct Officer shall submit written statements from the aggrieved student and the Student Conduct Officer/designee, the Board/Hearing Officer Decision Form, and other information pertinent to the matter to the appellate body for review.

If the Vice President, Enrollment Management and Student Affairs/designee, finds upon initial review, that there exist no grounds for appeal, the appeal will be concluded and all Board/Hearing Officer decisions will be upheld without further review. Otherwise, appeals shall be reviewed by a body that includes administrative designee(s) determined by the Vice President, Enrollment Management and Student Affairs and one student representative as determined by the Vice President, Student Life of the Student Government Association.

Within 30 days of receiving the appeal, the appellate body shall issue a written decision to the parties in which it may uphold, reverse, modify the decision, or order a new hearing. All appellate decisions are final.

J. Disciplinary Records

- All student disciplinary records shall be maintained in accordance with University policy and The Family Educational Rights and Privacy Act of 1974.
- Student Conduct Code violations that are also violations of the Equal Opportunity, Nondiscrimination, and Title IX Plan will result in student records that are maintained by both the Student Conduct Officer and the Title IX/Non-Discrimination Officer.

- Maintenance and destruction of student records will be done in **accordance with the requirements of the Massachusetts State Records Retention Schedule.**

K. Emergency Action

- If the Dean of Students/designee determine that a student's presence on campus constitutes a danger to persons or property, the University may immediately suspend the student on an interim basis, provided that a preliminary hearing before the appropriate administrator be accorded prior to the interim suspension, unless unreasonably difficult to do so, and provided that a full hearing be conducted in accordance with these regulations as promptly as permits and no later than twenty (20) school days of such interim suspension.
- If the Dean of Students/designee determine, based clearly on a review of all the evidence in a given case, that the Student Conduct Board/Hearing Officer or Student Conduct staff has acted in an arbitrary, capricious, or unreasonable manner, the Dean of Students may take any necessary action relative to the findings or sanctions to safeguard the legitimate interests of the University. In this event, prompt notification shall be given to the student.
- If the Dean of Students/designee determine it necessary, based clearly on information and circumstances pertaining to an individual's psychological/emotional health and personal safety or the health and safety of the University community, the Dean of Students/designee shall have the authority to refer a student to an on-campus or off-campus agency for evaluation and care.

L. Amendments

This code shall be amended with the guidelines of the University's Policy manual and by the majority vote of the members of the Student Government Association and approval of the Vice President, Enrollment Management and Student Affairs, the University President and the University Board of Trustees.

All matters involving student personnel policies, including Student Conduct Policies and Regulations, rest in the ultimate authority of the President and Trustees of the University. Any questions of interpretation regarding the Student Code of Conduct shall be referred to the Vice President, Enrollment Management and Student Affairs or their designee for final determination.

M. Posting

These regulations shall be made available to students at the Office of Student Conduct.

ACCEPTABLE USE OF INFORMATION TECHNOLOGY RESOURCES

PURPOSE

The purpose of this policy is to provide guidelines for the appropriate use of information technology resources at Westfield State University (“University”) and establish sanctions for violations of this policy. This policy is intended to protect the users of the University’s information technology resources by ensuring a reliable and secure technology environment that supports the educational mission of the University. These resources are provided as a privilege to all Westfield State University employees, students, and authorized guests. The University seeks to ensure the integrity of information technology resources made available to the community and to prevent disruption to academic and administrative needs. This policy is not intended to inhibit the culture of intellectual inquiry, discourse, and academic freedom.

In general, the same ethical conduct that applies to the use of all University resources and facilities applies to the use of the University’s information technology resources.

SCOPE

This policy applies to all students, faculty, and staff of the University, and to all other users who are authorized by the University to access its information technology resources.

This policy is supplemented by the policies of those networks to which the University is interconnected, including, but not limited to, the University of Massachusetts Information Technology Systems group, the Commonwealth of Massachusetts’ Information Technology Division, Umass Online, etc.

For the purposes of this policy, “Information Technology Resources” means all computer and communication facilities, services, data, and equipment that are owned, managed, maintained, leased, or otherwise provided by the University.

USER OWNERSHIP AND RESPONSIBILITIES

It is the responsibility of any person using the University’s information technology resources to read, understand, and follow this policy. In addition, all users are expected to exercise reasonable judgment in interpreting this policy, and in making decisions about the use of information technology resources. Any person with questions regarding the application or meaning of this policy should seek clarification from their supervisor, or from the Office of Information and Instructional Technology. The University owns and maintains the information stored in its information technology resources, and it limits access to its information technology resources to authorized users. Users of information technology resources have a responsibility to properly use and protect these resources, respect the rights of other users, and behave in a manner consistent with any local, state, and federal laws and regulations, as well as all University policies. Information technology resources, including Internet bandwidth, are shared among the community, and users must utilize these resources with this understanding.

Users must respect all intellectual property rights, including any licensing agreements, applicable to information and resources made available by the University to its community.

Information technology resources are provided to support the mission of teaching and learning and to conduct official University business. Therefore, the University bears no responsibility for the loss of any personal data or files stored or located on any system.

UNACCEPTABLE USES OF UNIVERSITY INFORMATION TECHNOLOGY RESOURCES

The University permits limited, occasional, or incidental personal use of its information technology resources. Even when occasional usage is permitted, however, faculty, staff, students, and other authorized users should use discretion when using information technology resources for personal reasons.

The University prohibits the use of its information technology resources for the following purposes:

- in furtherance of any illegal act, including the violation of any criminal or civil laws or regulations, whether local, state, or federal.
- for any political purpose.
- for any commercial purpose.
- to violate any University policy.
- to discriminate against any person on the basis of any legally protected characteristic.
- to harass any person based on any legally protected characteristic, including sex.
- to access or share sexually explicit, obscene, or otherwise inappropriate materials.
- to infringe any intellectual property rights.
- to gain, or attempt to gain, unauthorized access to any computer or network.
- for any use that causes interference with or disruption of network users and resources, including propagation of computer viruses or other harmful programs.
- to intercept communications intended for other persons.
- to misrepresent either the University or a person's role at the University.
- to libel or otherwise defame any person.
- to use e-mail or messaging services to threaten, harass or intimidate another person, for example, by broadcasting unsolicited messages, by repeatedly sending unwanted email, or by using someone else's name or user-id.
- to waste computing, network, or technology resources, for example, by intentionally placing a program in an endless loop, printing excessive amounts of paper, or by sending chain letters, unsolicited mass mailings or crypto mining.
- to add, remove or modify equipment comprising the Information technology resources at the University unless they have been explicitly authorized to make such changes by the Chief Information Officer or their representative.
- to install on the University's network for any purpose or use any peer-to-peer file-sharing applications. In addition, any other network-based, non-academic application that consumes the University's bandwidth may be limited or restricted. The Chief Information Officer must approve the installation of any server or server-based application on the University's network.

DATA CONFIDENTIALITY

While performing their jobs, University employees and contractors often have access to confidential or proprietary information, such as personal data about identifiable individuals or commercial information about business organizations. Under no circumstances is it permissible for employees or contractors to acquire access to confidential data unless such access is required by their jobs. Under no circumstances may employees or contractors disseminate any confidential Information that they have rightful access to unless such dissemination is required by their jobs. Users of the University's information technology resources have a responsibility to protect the confidentiality of the information to which they have access.

COPYRIGHT PROTECTION

Computer programs are valuable intellectual property. Software publishers can be very aggressive in protecting their property rights from infringement. In addition to software, legal protections can also exist for any information published on the Internet, such as the text and graphics on a web site. As such, it is important that users respect the rights of intellectual property owners. Users should exercise care and judgment when copying or distributing computer programs or Information that could reasonably be expected to be copyrighted.

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As such, it is important that users respect the rights of intellectual property owners. Users should exercise care and judgment when copying or distributing computer programs or Information that could reasonably be expected to be copyrighted.

NETWORK SECURITY

In compliance with state and federal data security laws, the University seeks to protect the security of its information technology resources and of users' accounts and to prevent unauthorized access by others, both on and off campus. It is critically important that users take particular care to avoid compromising the security of the network. Most importantly, users should never share their passwords with anyone else, and should promptly notify University personnel if they suspect their passwords have been compromised. In addition, users

who will be leaving their PC's unattended for extended periods should log off the network. The University reserves the right to make unannounced changes to the infrastructure or accessibility of any information technology resources.

E-MAIL

In Massachusetts, e-mail is considered a public record and must be treated as such. E-mail is subject to production pursuant to a public record request, and it is subject to the Commonwealth's record retention policies in the same manner as paper records. When using e-mail, there are several points users should consider. First, because e-mail addresses identify the organization that sent the message (first.last@westfield.ma.edu), users should consider e-mail messages to be the equivalent of letters sent on official letterhead. Finally, although many users regard e-mail as being like a telephone in offering a quick, informal way to communicate, users should remember that e-mails can be stored, copied, printed, or forwarded by recipients. As such, users should not write anything in an e-mail message that they would not feel just as comfortable putting into a memorandum. Please refer to the Westfield State University Electronic Mail (E-mail policy).

PRIVACY/CONFIDENTIALITY

The University is the owner of all information technology resources, including e-mail.

As such, no student, faculty member, staff member or other authorized user has a reasonable expectation of privacy in their e-mail or any other use of the University's information technology resources.

To that end, the University cannot guarantee privacy or confidentiality in the use of its information technology resources. Under certain circumstances, the University may be legally obligated to disclose information in response to court orders or other legal actions, in response to public record requests, in disciplinary processes, in health and safety emergencies, or when necessary to protect the integrity or security of its information technology resources. The University retains full discretion in reviewing and disclosing records to comply with these requirements.

Certain classes of data are also protected from disclosure by law or regulation. In compliance with those laws and regulations, the University seeks to protect any personally identifiable information

managed on its information technology resources. All members of the University community with access to such data are required to maintain the confidentiality of such data in accordance with this policy.

Information technology resources at the University are the property of the University and the Commonwealth of Massachusetts. As such, the University retains, and when reasonable and in pursuit of legitimate needs for supervision, control, and the efficient and proper operation of the workplace, the right to inspect any user's computer, any data contained in it, and any data sent or received by it. Any use of the University's information technology resources constitutes express consent for the University to monitor and/or inspect any data that users create or receive, any messages they send or receive, and any web sites that they access, in accordance with the requirements of the law and any relevant collective bargaining agreement.

MOBILE DEVICES

Employees using mobile devices offsite are responsible for protecting the computer and any confidential files from theft or security breaches. This may include using a power-on password and encryption software. Any breaches of computer security or theft should be reported immediately to University Police and the Chief Information Officer.

ENFORCEMENT

Any behavior or activity that alters the normal functioning of the University's information technology resources, or which negatively impacts their use by any other member of the community, is strictly prohibited. The University retains the right to take any reasonable action necessary to protect the integrity and security of its information technology resources, to curtail illegal use of the resources, to ensure the resources are equitably shared, and to protect the rights and privacy of its users.

Users of information technology resources who violate this policy, gain unauthorized access, or violate any state, local or federal law will have their privileges to use information technology revoked and may be subject to the University's disciplinary processes and procedures. Violations of this policy may also result in disciplinary action, up to and including termination, expulsion and/or legal action. Illegal acts may also subject users to prosecution by law enforcement authorities. The use of the University's information technology resources constitutes an understanding of an agreement to abide by this policy.

REVIEW

This policy shall be reviewed annually by the Chief Information Officer.

ADMINISTRATIVE MEDICAL LEAVE OF ABSENCE

Purpose

The purpose of this policy is to describe the University's ability to initiate a student's involuntary withdrawal from the University for certain extraordinary physical or mental health reasons. As a rule, the policies and procedures stated in the Student Conduct Regulations are the preferred method for addressing student behavior. Still, the University also recognizes in some instances involving underlying medical and mental health issues, the University is in a better position to take more appropriate actions in the best interest of the student and/or the University.

The University may require a student to take a mandatory administrative leave of absence in the event the student has an illness, condition or behavior that poses a direct threat to the health and safety of the student and/or the campus community. This policy attempts to address the difficulties with a humanistic approach by mandating an interim leave of absence and psychological evaluation with due process rather than dealing with the challenging behavior from a strictly disciplinary approach and/or dismissing the student from the University.

Standards

A student can be placed on mandatory administrative leave of absence from Westfield State University or from the University Residence Halls, if it is determined that the student as the result of an extraordinary physical or mental health situation:

- Poses an imminent danger to self or others;
- Engages in or threatens to engage in directly and substantially impeding the lawful activities of others,
- Causes significant disruption to the academic or University-related activities of others;
- Lacks the capacity to respond to pending disciplinary charges or did not know the nature of wrongfulness of the conduct at the time of the offense; or
- Renders the student unable to live independently in University owned or leased housing or unable to provide their own health and welfare.

These standards do not preclude removal from the University, or residence hall, in accordance with provisions of the residence hall room and board license, or other Westfield State rules and regulations.

The student will be expected to meet with the Dean of Students (or their designee) and will be informed in writing of the administrative leave of absence. During an administrative leave of absence, the student will only be permitted on University property when approved, in writing, by the Dean of Students (or designee).

When a student is medically withdrawn from the University, either involuntarily or voluntarily, the student may receive a withdrawal without academic penalty (no failing grades will be assigned) from the current semester.

A notation of "W" will be placed on the transcript and the student will only be eligible for refund if they meet the requirements of the normal Withdrawal Refund Policy Schedule as established by the Office of Student Accounts.

Administrative Leave of Absence Hearing Procedures

- Any student who is subject to an involuntary leave, withdrawal or administrative action shall be afforded a hearing.
- Any student may waive their rights hereunder, including the student's right to a hearing. The Dean of Students/designee may accept a student's waiver of hearing for the purpose of resolution by agreement to voluntary leave, withdrawal or other action.
- The hearing shall be informal and shall be conducted in accordance with the following guidelines:
 - The student will be informed in writing of the time, date and location of the informal hearing.
 - The case file and all other relevant reports and documents (i.e. discharge paperwork, personal medical provider recommendations, etc.) will be available for examination by the student in the Dean of Students' Office during normal business hours. The file need not include the personal notes that are not a part of the University's own records. Copies of any documents contained in the file shall be provided, upon their request, to the student.
 - The informal hearing shall be conversational and non-adversarial. Formal rules of evidence will not apply. The Dean of Students/designee shall exercise active control over the informal hearing. Any person who disrupts the proceedings may be excluded.

- The student shall have the right to be assisted and counseled by a person of their choice. This person may be present at the hearing to advise and counsel the student, but may not represent the student in the proceedings; unless the student is physically incapable of speaking on their own behalf.
- The student will be given reasonable time to ask relevant questions of any information provided at the informal hearing, as well as to present relevant information to the Dean of Student/designee.
- The hearing may be conducted in the absence of a student who fails to appear after proper notice.
- The Dean of Students/designee may permit a University official, and the health professional who prepared the evaluation, to appear at the hearing and to present evidence in support of any recommendation for involuntary administrative action or withdrawal. This provision may be invoked in factually complicated cases when reliance upon a written evaluation may not be sufficient.
- The Dean of Students/designee shall render a decision relative to whether the student should or should not have imposed upon them an involuntary administrative action or involuntary withdrawal from the University. The Dean of Students/designee shall decide that a student should be subject to such action or such withdrawal only upon a determination, based on credible and persuasive information that one or more of the standards listed above been shown to exist.
- If the Dean of Students/designee decides that the student should be subject to such action or such withdrawal, they shall set forth their findings of fact and the reasons on which their decision is based. In the case of an involuntary withdrawal, they shall also state the date after which a request for re-admission will be considered and any conditions that must be fulfilled before any such request will be considered. In most cases, at least one (1) full academic semester must have passed from the time of the withdrawal before the student is eligible to re-enroll and return to campus. The decision of the Dean of Students/designee shall be transmitted to the student.

Administrative Leave of Absence Appeal Procedures

Students may appeal the Dean of Students/designee's decision by filing an appeal within (5) business days of the date of the decision to the Dean of Students Office. Upon timely receipt of the appeal, the

Dean of Students/designee shall submit written statements from the student and the Dean of Students/designee and any other supporting documentation to the appellate body for review. The appellate body shall consist of members of the Student Conduct Board. Within seventy-two (72) hours of receiving the appeal, the appellate body shall issue a written decision to the student in which it will uphold or deny the decision. All appellate decisions are final. Until a final decision has been rendered by the appellate board, the original decision remains in place.

Re-Admittance Procedures

In order to return to the University from an administrative leave of absence, a student may be required to:

- Meet with the Dean of Students (or designee). The Dean of Students/designee in considering an application for re-admission following such withdrawal, may request documentation from appropriate medical or mental health personnel to substantiate the student's readiness to return to active study at the University. As appropriate, the Dean of Students/designee may provide the student with written conditions (e.g., compliance with medical/mental health treatment recommendations) to be met for continued attendance.
- Meet with a member of the Counseling staff (if leave was due to a mental health issue).
- Provide written consent for appropriate consultation among University offices and off-campus providers.
- Contact the Department of Residential Life to discuss on-campus opportunities after approval from the Dean of Students (or designee).

The Dean of Students will inform the student in writing of the approval or denial to return to the University and to return to University housing if requested.

Interpretation of Policy

Any questions regarding the interpretation of this policy shall rest within the authority of the Vice President, Enrollment Management and Student Affairs for final determination. Any reasonable deviation from these procedures as determined by the Vice President, Enrollment Management and Student Affairs will not invalidate a decision or proceeding unless significant prejudice to a student may result.

ALCOHOL AND OTHER DRUG POLICY

INTRODUCTION

The Westfield State University's (hereinafter "University") policy and regulations pertaining to the possession and consumption of alcoholic beverages and the illegal possession, use, distribution, and sale of illicit drugs and controlled substances are designed to: (1) conform to state and federal laws, including the Drug-Free Workplace Act and the Drug-Free Schools and Communities Act; and (2) enhance the health, safety, property, and educational interests of all members of the University community. The purpose of the Alcohol and Other Drug Policy is to promote a campus environment that is compatible with and supportive of academic success and personal growth. A campus atmosphere dominated by overt use and abuse of alcohol and other drugs is contrary to this goal. Accordingly, any violation of this policy in the student code of conduct and/or a violation of the federal, state, or local laws shall subject the offender to the University disciplinary process and/or to criminal prosecution.

In accordance with the Higher Education Amendments of 1998 (Public Law 105-244) the University regulations and laws pertaining to alcoholic beverages and the possession, use, distribution, and sale of illicit drugs shall be strictly and consistently enforced.

Violations of this policy may result in criminal sanctions. Criminal convictions, even if sanctions are minimal, can adversely affect internship and job opportunities, admission to graduate or professional schools, and eligibility for training and financial aid opportunities. The Higher Education Act of 1998 states that students convicted under state or federal law for drug sale or possession will have their federal financial aid eligibility suspended. This includes all federal grants, loans, and work-study programs. Students convicted of drug possession will lose their eligibility for one year; two years for a second offense; and indefinitely for a third offense. Students convicted of selling drugs will be ineligible for two years; and indefinitely for a second offense. The filing of criminal charges does not prevent the University from imposing its own sanctions in addition to criminal penalties. These sanctions are described within the policy.

POLICY – ALCOHOL

A. GENERAL PROHIBITION

- No person under the age of twenty-one (21) may possess, use, be under the influence of alcohol, or be in the presence of alcohol or alcohol containers outside of approved or licensed locations or other permissive purposes.
- The delivery or service, gratuitously or paid, of alcoholic beverages to a person under the age of twenty-one (21) is prohibited and shall constitute a major infraction of University regulations.
- Public drunken disorderliness is prohibited on University property or at university-sponsored activities or events. Public drunken disorderliness is defined as any intoxication or impairment caused by the consumption of alcohol that causes a disturbance or is dangerous to self, others, or property or in any way requires the attention of University staff, police, or medical personnel.
- Operating a vehicle under the influence of alcohol (to any extent) is prohibited.
- The possession or use of kegs, the functional equivalent, or any alcoholic containers, which indicate the probability of common source drinking or bar service, on any University property, owned or leased, without prior authorization from the University, are prohibited and shall constitute a major infraction of University regulations.
- Drinking funnels or any similar drinking devices and paraphernalia are prohibited on any University property, owned or leased.
- Alcoholic beverages and/or alcoholic beverage containers are prohibited from all traditional residence hall rooms (Courtney Hall, Davis Hall, Dickinson Hall and Lammers Hall) and all other public areas of the University.
- Any gathering on University property is prohibited (however large or small) where: a) any violation of the student code of conduct occurs, including but not limited to where guest(s) under the age of twenty-one (21) are present; and b) the gathering promotes the binge consumption of alcohol and/or encourages alcohol consumption, such as through drinking games.
- Open containers of alcoholic beverages (seal broken) are prohibited in all public areas of the University except in authorized or licensed locations.
- The manufacturing of any alcoholic beverage on University property, owned or leased, is prohibited.

- Alcoholic beverages shall not be for sale by anyone not licensed by the appropriate authority and shall not be done on campus without authorization from the University.
- The promotion of and/or solicitation for any event or activity (wherever held) at which alcohol is to be served or made available for consumption and that is not sponsored or approved by the University is strictly prohibited and will be considered a major violation of this policy. Prohibited conduct includes, but is not limited to, the advertisement or other promotion of events at authorized alcohol area establishments when such advertisement or promotion takes place on the University's campus or by means of the University's network (including use of its network for e-mail or any web-based communication), selling or distributing tickets on the University's campus) for any such event, and participation in arranging group transportation for any such event.

B. ALCOHOL ENFORCEMENT/SANCTIONS

Students over the age of twenty-one (21) who choose to consume alcoholic beverages are responsible for their actions and should such behavior detract from the health, safety, property, and educational interests of the University community, these students will be held accountable through the sanctions process. Students are also responsible for making their visitors/guests aware of the alcohol policy and may be held accountable for any inappropriate actions of their guests. Generally, the influence of alcohol on a student's judgement or behavior will not be accepted as a mitigating factor with respect to the resolution of an act of misconduct. This applies to all persons regardless of age. Sanctions can range from restrictions to residence halls and probation to expulsion. Sanctions are determined on a case-by-case basis and are designed to help students consider their responsibility as members of the University community.

All violators of these regulations will be brought before the student conduct system for disposition of their cases and shall be subject to the following sanctions:

First Offense: Ten (10) hours of participation in community events or a work project and completion of University substance education classes. A \$100 service fee for these classes will be assessed and made payable within thirty (30) days of a university student conduct procedure

decision. Additional sanctions may be given for large amounts of alcohol or disorderly conduct. Individual exceptions regarding the modification of attendance at substance education classes will be based solely on academic reasons.

Second Offense: Suspension from University housing for one (1) academic semester or more with readmission to occur after verification of completion of a counseling evaluation and any recommended follow-up treatment. Depending on the availability of housing and current waiting list procedures, there is no guarantee that a student who is suspended from housing will be able to return to on-campus housing after their suspension is complete.

Third Offense: Suspension from the University for one (1) academic semester or more with readmission to occur after verification of completion of a counseling evaluation and any recommended follow-up treatment.

Major Offenses: The following violations are considered major offenses and be met minimally with an immediate suspension from housing for one (1) full academic semester or more.

- The possession or use of alcoholic beverages containers, kegs, or the functional equivalent (whether full, partially full, or empty) as well as any container(s) that indicate the probability of common source drinking of alcoholic beverages or bar service (whether full, partially full, or empty).
- The delivery, gratuitously, or sale, of alcoholic beverages to a person under the age of twenty-one (21).
- The promotion or solicitation of any alcohol-related activity that is not sponsored or approved by the University.

Additional information regarding the operation and effect of sanctions includes the following:

- Failure of a student to follow through with a sanction will result in the automatic elevation of the sanction to the next level after the failure is proven through due process procedures published in the student code of conduct.

- Subsequent violations of the alcohol portions of this policy and/or drug portions of this policy referenced in detail below, in any combination whether both alcohol, drug, or any combination of the two within a period of twelve (12) consecutive months will result in progression to the next level of sanction. Unless indicated by other provisions in this policy, once a twelve (12) consecutive month period has expired, the next violation shall meet with first-level sanctions with an additional sanction of five (5) consecutive weekends of suspension from the University campus.
- More than four (4) alcohol and/or drug violations or any combination thereof over the course of a student's University career will result in a limited expulsion. Limited Expulsion is defined as a removal from the University. Review for readmittance will be granted only after the expiration of two calendar years from the time of removal.

C. GROUP FUNCTIONS

Alcohol may be served on campus or at University-sponsored events only under licensed conditions. Permission and approval for the use of alcoholic beverages for university-recognized student group functions on University property or at university-related events shall be obtained from the Dean of Students (or their assigned designee) acting on the recommendation of the University Alcohol Review Board. These procedures can be found at

<https://www.westfield.ma.edu/documents/acloholicbeverageseventapplication>.

Student organizations may only hold functions/events with alcohol at an off-campus venue with a permanent license for alcohol service.

A. GENERAL PROHIBITION

- The University has a no-tolerance drug policy. Illegal drugs are prohibited on the property of the University and at all university-sanctioned events, wherever located. The University will enforce all applicable laws concerning illegal drugs.
- When illegal drug use is suspected, when the University is notified of illegal drug use, or when persons are apprehended in the presence of, in possession of, using, or selling illegal drugs, appropriate steps will be taken to determine the facts involved, provide for appropriate due process and proceed to a just conclusion. Persons determined by the University Police to be in possession of, using or selling illegal drugs may be prosecuted and/or referred for University disciplinary action.

- Suspected violators of this policy are subject to immediate suspension from the University or any area thereof pending completion of due process. If following due process the suspected violator is found responsible, they may be subject to disciplinary action up to and including expulsion from the University and will also be subject to criminal prosecution under applicable laws.

POLICY – OTHER DRUGS

A. DRUG PARAPHERNALIA

The use or possession of drug paraphernalia (all equipment, products, devices and materials of any kind that may be used to plan, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack store, contain, conceal, distribute, dispense, inject, ingest, inhale or otherwise introduce into the human body an illegal drug or unlawful or unauthorized controlled substance) on the University's campus is strictly prohibited.

All violators of these regulations concerning the possession of drug paraphernalia will be brought before the student conduct system for disposition of their cases and shall be subject to the following sanctions:

First Offense: Ten (10) hours of participation in community events or a work project and University substance education classes and pay the service fee of \$100 for these classes within thirty (30) days of a University student conduct procedure decision.

Second Offense: Suspension from University housing for one (1) full academic semester or more with readmission to occur after verification and completion of a counseling evaluation and any recommended follow-up treatment. Depending on the availability of housing and current waiting list procedures, there is no guarantee that a student who is suspended from housing will be able to return to on-campus housing after their suspension is complete.

Third Offense: Suspension from the University for one (1) full academic semester or more with readmission to occur after verification and completion of a counseling evaluation and any recommended follow-up treatment. NOTE: Drug paraphernalia which contains matter that tests positive for an illicit substance may constitute possession and may lead to sanctions against the student.

B. MARIJUANA USE OR POSSESSION

As marijuana is not allowed to be possessed or used under Federal law, the use, distribution, and/or possession of marijuana, including marijuana prescribed for medical purposes, on any University property, owned or leased, is prohibited. Any student found responsible for use or possession of marijuana shall be subject to the following sanctions:

First Offense: Ten (10) hours of participation in community events or a work project and completion of University substance education classes. A \$100 service fee will be assessed and made payable within thirty (30) days of a college student conduct procedure decision. Additional sanctions may be given for large amounts of marijuana. Individual exceptions regarding the modification of attendance at substance education classes will be based solely on academic reasons. Completion of a counseling evaluation within sixty (60) days of a student conduct procedure decision is also required.

Second Offense: Suspension from University housing for one (1) academic semester or more with readmission to occur after verification of completion of a counseling evaluation and any recommended follow-up treatment. Depending on the availability of housing and current waiting list procedures, there is no guarantee that a student who is suspended from housing will be able to return to campus housing after their suspension is complete.

Third Offense: Suspension from the University for one (1) full academic semester or more with readmission to occur after verification of completion of a counseling evaluation and any recommended follow-up treatment.

Additional information regarding the operation and effect of sanctions includes the following:

- Failure of a student to follow through with a sanction will result in the automatic elevation of the sanction to the next level after the failure is proven through due process procedures published in the student conduct code.

- Subsequent violations of the alcohol and/or marijuana portions of this policy in any combination whether both alcohol, marijuana, or any combination of within a period of twelve (12) months will result in progression to the next level of sanction. Unless indicated by other provisions in this policy, once a twelve (12) month period has expired, the next violation shall meet with first-level sanctions with an additional sanction of five (5) consecutive weekends of suspension from the University campus.
- More than four (4) alcohol and /or marijuana violations or any combination over the course of a student's University career will result in a Limited Expulsion from the University. Limited Expulsion is defined as a removal from the University. Review for readmittance will be granted only after the expiration of two calendar years from the date of removal.
- Students who are held accountable for the use of marijuana in the residence halls may also be subject to additional sanctions for violations of the University's Residence Hall Policy and Smoke, Tobacco, and Marijuana Free Policy.

C. OTHER DRUG USE OR POSSESSION

- Any student found in possession of an illegal drug substance in any amount, no matter how minimal the amount, or prescription medication without a prescription, or found to be using such illicit drug substances, or inappropriate use of prescription drugs and found responsible for such possession or use shall (this applies only to first-time offenders) be suspended from housing for one (1) academic semester or more with readmission to occur after verification of completion of a counseling evaluation and any recommended follow-up treatment. In addition, the student will complete ten (10) hours of participation in community events or a work project and University substance education classes and be assessed a \$100 service fee for these classes made payable within (30) days of a University disciplinary procedure decision.
- Any student found responsible for a second offense of possession or use of an illegal drug substance, or inappropriate use of prescription drugs during their University career shall be suspended from the University for one (1) academic year or more with the possibility of returning to the University pending completion of a counseling evaluation and any recommended follow-up treatment, and by the decision of the Dean of Students/designee with no right of return after a third offense.

- Any student responsible for a third offense of possession or use of an illegal drug substance, or inappropriate use of prescription drugs during their University career shall be expelled from the University with no right of return.

D. POSSESSION WITH INTENT TO SELL OR DISTRIBUTE

- Any student found responsible after due process for possession with intent to sell or distribute any prescription drugs, marijuana or any illegal drug substance will be expelled from the University with no right of return.
- Evidence indicating possession with intent to sell or distribute any prescription drugs, marijuana, or any illegal drug substance may include but is not limited to, possession of a large amount of prescription drugs, marijuana, or any illegal drug substance, and/or possession of any amount of prescription drugs, marijuana or any illegal drug substance combined with other evidence indicating intent to sell or distribute such as weighing devices, cash boxes, bankrolls/large sums of money, cultivating equipment, chemicals used in the manufacture or distribution of illicit substances or other quantifying devices.

E. DRUG SALE OR DISTRIBUTION

Any student found responsible for the sale or distribution of prescription drugs, marijuana, or any illegal drug substances on the Westfield State University campus will immediately be expelled from the University with no right of return.

F. SMOKE, TOBACCO, AND MARIJUANA FREE CAMPUS

- Smoking and/or the use of tobacco and/or marijuana products is prohibited on any University property or university-leased property including buildings, grounds, walkways, parking lots, wooded areas, and all other property owned or operated by the University. The only exception to this prohibition is that the smoking of tobacco cigarettes only may be allowed in designated areas approved by the University President and marked by appropriate signage.
- Smoking and/or the use of tobacco and/or marijuana products in University owned or leased vehicles is prohibited. Smoking and/or the use of tobacco and/or marijuana products is also prohibited in personal vehicles when those vehicles are on University property.

- The use of edibles, THC pills, and vaporizer devices including, but not limited to, hookah pens, marijuana pens, and e-cigarettes is prohibited on all University property or University leased property as described above.
- All campus constituents have a collective responsibility to promote the safety and health of the campus community and, therefore, share in the responsibility of policy compliance. Individuals observed smoking and/or using tobacco or marijuana in any form in violation of this policy, are to be reminded, in a professional and courteous manner, of the University policy.
- Students in violation of this policy shall be referred to the University student conduct system for disciplinary proceedings for repeated offenses (Employees in repeat violation of this policy will be referred to the Office of Human Resources, Title IX, and Equal Opportunity).
- To assist those who wish to stop their personal use of tobacco and/or products, the Office of Human Resources, Title IX and Equal Opportunity, the Health Services Department, the Counseling Center, and the Employee Assistance Program (EAP) can direct employees and students to tobacco cessation programs which the University might provide.
- Any questions regarding the interpretation of this Policy rest within the authority of the Vice President, Enrollment Management and Student Affairs/designee (for students), and the Associate Vice President for Human Resources, Title IX, and Equal Opportunity (for employees).

POLICY – ALCOHOL AND DRUG GUIDELINES

A. ADDITIONAL GUIDELINES

- Consistent with the Family Educational Rights and Privacy Act, the University may notify the parent or legal guardian of students under twenty-one (21) years of age without the student's consent each time the student has violated any law or policy concerning the use or possession of alcohol or an illegal or unauthorized substance. The University shall exercise discretion not to notify parents/guardians based on documented evidence of an abusive family situation, and will not provide specific information to parents/guardians regarding the incident or the student's conduct history without a signed release from the student.

- For the purpose of this policy, the University’s “campus” is defined as all buildings (owned, leased, or operated by the University) and all surrounding outdoor property (owned, leased, or operated by the University), including but not limited to parking lots, grass, sidewalks, and forested land.
- Persons found to engage in public drunken disorderliness shall be subject to police intervention including protective custody, arrest, or other appropriate action. All costs for providing required monitors for intoxicated students and/or their guests will be billed to the student.
- In any situation that the University deems to be an emergency, such as a situation where a student is placed in protective custody, or transported to a medical facility due to incidents related to alcohol and/or drug consumption, the University may notify a parent/legal guardian/emergency contact or other persons without the student’s consent.
- In the event that a student is suspended from University housing or from the University for any disciplinary infraction(s), including but not limited to, alcohol or other drug infractions, no refund will be given to the student, for any University fees or tuition, unless otherwise specified by federal law, state law, or University policy.
- Any backpack, bag, or similar container that anyone carries onto campus shall be subject to inspection and search by a member of the University staff whenever there exists reasonable suspicion that the container is being used to bring onto campus any alcoholic beverage or other material in violation of University policy.

POLICY - AMNESTY

Statement and Purpose

Westfield State University supports a safe and inclusive environment that enhances academic pursuits and student success. A Medical Amnesty Policy benefits our campus by encouraging students to make responsible decisions in seeking medical attention in serious or life-threatening situations that result from alcohol and/or other drug use or abuse and in any situation where medical treatment is reasonably believed to be appropriate. This policy seeks to diminish fear of

disciplinary and conduct sanctions in such situations and to encourage individuals and organizations to seek needed medical attention for students in distress from alcohol and drug use.

This policy does not grant “full immunity” to a student who acts under Amnesty (i.e., seeks emergency assistance on behalf of themselves, another student, or a friend experiencing an alcohol and/or drug-related emergency) if a determination is made, independent of any information gained as a result of the call for medical attention, that Student Conduct charges are appropriate.

Alcohol or other drug consumption (including but not limited to: excessive consumption; consumption of a dangerous or illegal substance; or consumption by someone with sensitivity) can cause serious harm or pose a threat to life. Given these risks, students are encouraged to make responsible decisions and to seek medical attention in serious life-threatening situations that result from alcohol and/or other drug consumption and to call the Westfield State University Police Department at (413) 572-5262, (or 911 if off campus) for medical attention. Students are also encouraged to seek help for any situation where medical treatment is reasonably believed to be appropriate or when problematic use and/or abuse is an issue.

Procedure

Westfield State University students who seek medical attention as a result of alcohol and/or illegal drug use are eligible for Amnesty and may not face formal action under the Westfield State University Student Code of Conduct. Westfield State University students seeking medical assistance for another person during an alcohol or other drug-related emergency while simultaneously violating a student conduct policy against alcohol, or drug use or possession are also eligible. Under the Student Conduct Code, students are required to meet with a professional staff member in the Student Conduct Office within five (5) class days of the incident. The staff member, after evaluating the situation, will determine appropriate educational actions for the student per the University’s Alcohol and Other Drug Policy. Actions may include, but are not limited to: parental notification, an alcohol

education workshop and/or meeting with an alcohol and other drug counselor and a written project. Students are referred but fail to meet and complete the alcohol and/or other drug actions in their entirety may be subject to additional requirements. In addition, if a registered student is transported to an emergency medical treatment center for intoxication or drug use, the student's parents or guardians will typically be notified by a representative from the Office of Student Conduct if it is determined to be necessary to protect the health or safety of the student or other individuals.

If the student is involved in any subsequent (i.e., repeat) alcohol and/or drug abuse incidents, the situation will be re-evaluated by the Office of Student Conduct to determine if the student qualifies for an Amnesty exemption. The availability of Amnesty exemptions for students with repetitive violations will be determined on a case-by-case basis. Typically, repeated situations will be handled through the Student Conduct process and will be considered for sanctioning purposes. This subsection applies only to students receiving medical attention; students who help others seek medical assistance are not limited to any number of Amnesty exemptions.

- Amnesty applies to Westfield State University students who initiate and seek assistance and/or medical treatment on behalf of themselves, another student, or a friend.
- The protocol applies only to the Westfield State University Student Code of Conduct, housing policies, and registered student organization policies. Law enforcement agencies may act within their jurisdictions in enforcing laws enacted by the State of Massachusetts, the United States, or any other state or nation where jurisdiction may be invoked.
- Amnesty applies only to individuals' use of alcohol and drugs where medical attention is needed. It does not apply to other prohibited behavior such as distribution of illicit substances, property damage, harassment, or assault.
- Amnesty also applies to Westfield State University students who are victims of sexual assault and have also engaged in underage alcohol consumption or illegal drug use.

Review

This policy will be reviewed every three years by the Dean of Students.

APPROVED ANIMAL POLICY

Westfield State University is committed to making its educational programs and facilities accessible to people with disabilities. By policy, animals are not allowed in residential and administrative buildings on campus.

However, a reasonable accommodation of a support animal in a student's residence will be determined on a case by case basis as a modification to this policy.

Students who require a support animal as a reasonable accommodation must register with the Banacos Academic Center as a student with a disability, fill out the Center's reasonable accommodation request form, and provide appropriate supporting documentation. This accommodation must be requested by the student annually. The University reserves the right to amend or make changes to this document as deemed necessary. Support animals are not allowed in any building on campus other than the assigned residence of the student approved for reasonable accommodation. Since these guidelines are primarily put into place to protect the health and safety of the handler, other community members, and the animal itself, please be aware that failure to abide by these guidelines may result in the immediate removal of the animal and/or Student Conduct Action.

- The student, hereinafter referred to as the "handler", has sole responsibility for the care and conduct of the support animal. The University is not responsible for the care, conduct, or supervision of any support animal.
- The handler must abide by all state and local laws regarding animals. The handler must provide the following to the Banacos Advisor when registering a support animal:
 - Proof of legally required vaccinations if the approved animal is a dog, cat, or ferret.
 - Proof of licensing in the City of Westfield if the approved animal is a dog.

- When an animal is taken out of the handler's room/apartment/suite it must be kept harnessed/leashed or in a carrier, crate or cage under the control of the handler. Animals must not be left unattended when outside of the handler's room.
- Animals must remain in the handler's room/apartment/suite. Requests for expanded approval in other areas of the handler's assigned residence hall must be approved by the Area Coordinator/Assistant Residence Director.
- The handler is responsible for utilizing the following approved waste guidelines:
 - Animals that make waste outdoors should do so in grass-covered areas. The Woodward Center, athletic fields, and areas being used by Intramurals are prohibited. The handler is responsible for immediate cleanup of the animal's waste.
 - Animals who make waste indoors will need to have a litter box or other appropriate receptacle provided by the handler located in the handler's bedroom. The handler is expected to clean waste receptacles regularly.
 - All animal waste must be disposed of in a designated trash receptacle outside of the residence hall.
 - Animals, their crates, litter boxes, and other related materials must be kept clean in an area designated by the Environmental Services staff in the handler's residence hall. The handler will need to coordinate the use of the designated area with Environmental Services staff and the Area Coordinator/Assistant Residence Director of the handler's residence hall.
- The animal must not be left alone in the residence hall for more than ___ consecutive hours (number of hours designated in individual agreements signed with Banacos Advisor). When leaving campus for more than the number of hours identified above, the animal must accompany the handler and may not be left in the care of another student.
- When the animal is left alone in the handler's room the animal should be appropriately crated or caged to ensure it does not escape in case University staff need to enter the room.
- Animals must not constitute a direct threat to the safety of the handler or others.
- Animals must not make excessive noise that has the potential to disrupt other community members.

- The handler is presumed financially responsible for property damage caused by the animal including, but not limited to, cost of repairs, replacement, or extraordinary cleaning of facilities or furnishings and any bodily injury or personal injury caused to other persons by the animal. Massachusetts General Law, Chapter 140, Section 155 includes additional liability information for handlers with dogs.
- Violations of these guidelines may be documented and reported to the Area Coordinator/Assistant Residence Director of the handler's residence hall including observed violations by staff or others as well as violations discovered during Health and Safety Inspections.
- The handler is responsible for notifying the handler's Banacos Advisor if the handler decides to no longer have their animal on campus.
- Since these guidelines are primarily put into place to protect the health and safety of the handler, other community members, and the animal itself, please be aware that failure to abide by these guidelines may result in immediate removal of the animal. Failure to abide by these guidelines is a violation of the Student Code of Conduct. Students violating these guidelines will be referred to the Student Conduct office.

In cases where the University determines it necessary to remove an animal from the residence halls, the University may board the animal at the place of its choosing until the emergency contact can retrieve the animal. The handler will be responsible for all costs associated with the removal and boarding of the animal.

EQUAL OPPORTUNITY, NONDISCRIMINATION, AND TITLE IX PLAN

Together, Bridgewater State University, Fitchburg State University, Framingham State University, Massachusetts College of Art and Design, Massachusetts College of Liberal Arts, Massachusetts Maritime Academy, Salem State University, Westfield State University, and Worcester State University (collectively, "the Universities") have carefully developed the major elements of this Equal Opportunity, Nondiscrimination, and Title IX Plan ("Plan" or "EO Plan") in accordance

with applicable local, state and federal constitutions, statutes, regulations, and executive orders.

Notices, policies, and procedures within this Plan make reference to “the University”, which does not refer to any one specific institution but to each one of the nine MA State Universities implementing this Plan.

Purpose

A primary purpose of this EO Plan is to inform the campus communities of:

- the Universities’ prohibition of discrimination; discriminatory harassment, including sex-based harassment and sexual misconduct, including sexual assault, domestic violence, dating violence, stalking; and retaliation;
- the Universities’ efforts to prevent such behaviors; and
- the manner in which the Universities will respond to such behaviors, including the prompt, impartial, fair, and thorough investigation and resolution of complaints.

Through this Plan, the Universities also seek to responsibly recognize and, when possible, resolve the effects of past societal discrimination and promote equitable policy and practices across all institutions. To those ends, the Universities commit to an ongoing examination of all policies and procedures to ensure that they do not operate to the detriment of any person or group on any discriminatory basis.

Furthermore, the Universities commit to a pro-active affirmative action posture with respect to the recruitment, selection, and promotion of students and employees.

This EO Plan incorporates by reference, and where applicable, the requirements of: Titles VI and VII of the Civil Rights Act of 1964; Title VI of the Civil Rights Act of 1968; Titles I and II of the Civil Rights Act of 1991; Title IX of the Education Amendments of 1972 and its regulations found at 34 C.F.R. part 106; the Equal Pay Act of 1963; Civil Rights Restoration Act of 1988; Sections 503 and 504 of the Rehabilitation Act of 1973; the Americans with Disabilities Act of 1990, as amended; Section 402 of the Vietnam-era Veterans Readjustment Act of 1974, Uniformed Services Employment and Reemployment Rights Act; the Age Discrimination Act of 1975; the Age Discrimination in Employment Act of 1967, as amended; the Family and Medical Leave Act of 1993; the Genetic Information Nondiscrimination Act of 2008, 42 U.S.C. Sec. 2000ff; the reauthorized

Violence Against Women Act, Pub. Law No. 113-4 (2013); the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act; the Higher Education Act of 1965, as amended; Federal Executive Order 11246 of 1965, as amended by Executive Order 11375 of 1967; Federal Executive Order 12900 of 1994; Federal Executive Order 13145 of 2000; Federal Executive Order 13160 of 2000; Federal Executive Order 13166 of 2000; Massachusetts Civil Rights Act; Massachusetts General Laws Chapters 151B, 151C, and Chapter 149; An Act Relative to Gender Identity, Mass. Acts of 2011, ch. 199; An Act Relative to Transgender Anti-Discrimination, Mass. Acts of 2016, ch. 134; the Pregnant Workers Fairness Act; the PUMP for Nursing Mothers Act (“PUMP Act”); An Act Expanding Protections for Reproductive and Gender Affirming Care, Mass. Acts of 2022, ch. 127; An Act Relative to Sexual Violence on Higher Education Campus, Mass. Acts of 2020, ch. 337 (also known as the 2021 Campus Sexual Assault Law); An Act Prohibiting Discrimination Based on Natural and Protective Hairstyles (Massachusetts CROWN Act), Mass. Acts of 2022, ch. 117; directives of the BHE, the Universities’ Boards of Trustees and the Commonwealth; and other applicable local, state and federal constitutions, statutes, regulations and executive orders.

Duration

Pursuant to M.G.L. Chapter 15A, this Plan shall be approved by the Commonwealth of Massachusetts’ Board of Higher Education (“BHE”) and each local Board of Trustees.

Scope

The provisions of this Plan, in compliance with applicable laws and collective bargaining agreements, apply to every educational, employment, and co-curricular activity at the Universities. All benefits, services, and opportunities pertaining to the Universities’ educational programs, employment, and services are available to all applicants, students, employees and others having dealings with the Universities regardless of race, color, religion, national origin, age, disability, sex, sexual orientation, gender identity, gender expression, pregnancy and pregnancy-related conditions, genetic information, marital or parental status, or Veteran status. No provision of this Plan is intended, and should not be used, to discriminate against any applicant, employee, or student on any prohibited basis.

Implementation

The final authority and ultimate responsibility for the implementation of this Plan rests with the Presidents of the Universities.

The EO Officer on each campus is assigned the responsibility for the overall development, administration and monitoring of all policies, procedures, and programs pertinent to the implementation of this Plan as it pertains to prohibited discrimination other than sex-based discrimination. Title IX of the Education Amendments Act of 1972 requires that each University designate a Title IX Coordinator. The Title IX Coordinator for each University is assigned the responsibility for the overall development, administration, and monitoring of all policies, procedures, and programs pertinent to the implementation of this Plan as it pertains to sex-based discrimination. The Equal Opportunity Officer and the Title IX Coordinator may or may not be the same person. The EO Officer and Title IX Coordinator commonly report to the President or a senior cabinet member, collaborate on the oversight and implementation of this Plan, and bear the responsibility for the preparation and execution of all equal opportunity policies and programs. Details regarding the EO Officer's and Title IX Coordinator's primary responsibilities can be found in Appendix 1 and Appendix 2, respectively. All Vice Presidents, Deans, Directors, Program Coordinators, Department Chairs, and other supervisory personnel are accountable for ensuring that equal opportunity and nondiscrimination, are integrally tied to all actions and decisions for which they are responsible and which fall within the scope of the Plan. A statement concerning such accountability will be added to all appropriate position descriptions. It shall be considered a regular function of faculty, librarians, administrators, and supervisory staff that they are aware of goals. The Universities, independently and collectively, from time to time, will develop internal practices, procedural guidelines, and other supplemental documentation to guide them in implementation of this Plan.

Plan Awareness

The Universities' Notice of Nondiscrimination, with reference to this Plan, will be posted in areas customarily used for public announcements and on the Universities' websites. Prospective employees and applicants for admission will be informed of this Notice in all advertisements posted both on and off campus.

At the start of each academic year, all policy statements regarding equal opportunity and nondiscrimination at the Universities will be distributed, either electronically or in hard copy or in both formats, as follows:

- to every office at each University, including the Human Resources Office, the Office of the Equal Opportunity Officer, and the Office of the Title IX Coordinator;
- to each University's Library;
- to all students, either in the relevant Student Handbook, Course Catalog, or by e-mail;
- to all employees, either in a relevant publication or by e-mail;
- posted to all relevant sections of the Universities' public-facing websites;
- posted to all relevant sections of the Universities' intranets, if such exists;
- copies will be made available to the campus community and to the public upon request; and
- copies will also be made available in accessible formats upon request.
- copies of all policy statements regarding equal opportunity and nondiscrimination will also be provided to students who enroll mid-year and to all new employees upon their hire.

Review

The Universities will continually review this Plan to ensure compliance with the requirements of federal and state laws and regulations.

Statement of Nondiscrimination

The University is committed to nondiscrimination and equal opportunity. The University is dedicated to providing educational, working, and living environments that value the diverse backgrounds of all people.

The University does not discriminate in admission or access to, or treatment or employment in, its educational programs and activities on the basis of race, color, religion, national origin, age, disability, genetic information, marital or parental status, or veteran status. The University prohibits discrimination or discriminatory harassment on all of those bases. Such behaviors violate the University's Policy of Nondiscrimination, will not be tolerated, and may result in disciplinary action up to and including termination or expulsion.

The University has appointed an Equal Opportunity Officer (“EO Officer”) to oversee its compliance of applicable policy, as well as the state and federal nondiscrimination and equal opportunity laws. Anyone with questions, concerns or complaints regarding discrimination, discriminatory harassment, or retaliation may contact the EO Officer at:

Trish Bonica AVPHR
Office of HR, Title IX, & EO
pbonica@westfield.ma.edu
413-572-8670

Furthermore, the University does not discriminate in admission or access to, or treatment or employment in, its educational programs and activities on the basis of sex, including sex characteristics, sex stereotypes, sexual orientation, gender identity, gender expression, or pregnancy, childbirth, and other related conditions, and prohibits sex discrimination in any education program or activity that it operates, including as required by Title IX and its regulations. Such behaviors violate the University’s Policy of Nondiscrimination, will not be tolerated, and may result in disciplinary action up to and including termination or expulsion.

The University has appointed a Title IX Coordinator to oversee its compliance with Title IX. Inquiries about Title IX may be referred to the University’s Title IX Coordinator, the U.S. Department of Education’s Office for Civil Rights, or both.

The University’s Title IX Coordinator is:
Jill Moffitt, PhD
Grand River Solutions
jmoffitt@westfield.ma.edu

To report information about conduct that may constitute sex discrimination or make a complaint of sex discrimination under Title IX, please refer to:

Jill Moffitt, PhD
Grand River Solutions
jmoffitt@westfield.ma.edu

The University's Policy of Nondiscrimination and complaint resolution procedures can be located at:
<https://www.westfield.ma.edu/university-policies>

Equal Opportunity

Statement of Equal Opportunity

The University endeavors to ensure that all employment and academic decisions, programs, and policies are formulated and conducted in a manner to ensure equal access for all people and to prevent unlawful discrimination. As part of this effort, the University will ensure that employment and academic decisions, programs, and policies will be based solely on the individual eligibility, merit, or fitness of applicants, employees, and students without regard to race, color, religion, national origin, age, disability, sex, including sex characteristics, sex stereotypes, sexual orientation, gender identity, gender expression, pregnancy and pregnancies-related conditions, genetic information, marital or parental status, or Veteran status.

Affirmative Action

Affirmative Action in Employment

Affirmative action is a critical element of the University's commitment to equal opportunity and refers to proactive steps taken by the University intended to increase workplace opportunities for people who are under represented in various areas of our society.

Selection for and participation in the University's employment is without regard to race, color, religion, national origin, age, disability, sex, including sex characteristics, sex stereotypes, sexual orientation, gender identity, gender expression, pregnancy and pregnancy-related conditions, genetic information, marital or parental status, or Veteran status. However, the University shall act affirmatively to increase the representation of qualified persons in its workforce with marginalized and/or minoritized identities.

Affirmative Action in Admission

Furthermore, the University is a place where all students are welcome and should have the opportunity to succeed, but it recognizes that sustained action is necessary to lift the barriers that keep underserved students, including students of color, from equally accessing the benefits of higher education. The University is committed to efforts to recruit and retain talented students from underserved communities and fostering a sense of belonging for students currently enrolled. Through such efforts, the University strives to effectively support and retain students from diverse backgrounds.

Equal Access for Persons with Disabilities

The University is committed to providing equal access to otherwise qualified persons with disabilities. The University recognizes that individuals with disabilities may need reasonable accommodations to have equally effective opportunities to participate in or benefit from educational programs, services, activities, and employment.

Definitions

Education of Persons with Disabilities

In accordance with state and federal requirements, the University will provide necessary reasonable accommodations, auxiliary aids, and academic adjustments (including support services) to otherwise qualified students with disabilities to ensure equal access to its programs, facilities, and services. Reasonable accommodations will also be afforded to applicants for admission who have disabilities to enable them to adequately pursue all opportunities for enrollment in the programs of study.

Further advice or information may be obtained by contacting the EO Officer and/or the Title II/Section 504 Coordinator of each University.

Employment of Persons with Disabilities

In accordance with the requirements of state and federal law, and through the interactive process, the University will afford reasonable accommodations to any otherwise qualified employee with a disability to enable the employee to perform the essential functions of the job. Reasonable accommodations will also be afforded to applicants for employment who have disabilities to enable them to adequately pursue a candidacy for any available positions.

Individuals with a Disability

A person who has a physical or mental impairment that substantially limits one or more major life activities has a record of impairment or is regarded as having an impairment. Examples of disabilities include, but are not limited to: alcoholism; asthma; blindness or other visual impairments; cancer; cerebral palsy; depression; diabetes; epilepsy; hearing or speech impairments; heart disease; migraine headaches; multiple sclerosis; muscular dystrophy; orthopedic impairments; paralysis; thyroid gland disorders; tuberculosis; loss of body parts.

Interactive Process

An ongoing communication between the University and an individual with a documented disability in an effort to provide reasonable accommodations, auxiliary aids, or academic adjustments.

Qualified Individual with a Disability.

An employee or applicant who satisfies the skill, experience, education, and other job-related requirements of the position held or desired, and who, with or without reasonable accommodation, can perform the essential functions of that position; or

A student who meets the academic and technical standards requisite for admission or participation in the institution's educational program or activity.

Reasonable Accommodation

Modifications or adjustments to an application process, job, work environment, academic program or activity, or a course of study that permit a qualified individual with a disability to perform the essential functions of a position or to enjoy the benefits and privileges of employment or education equally with persons without disabilities, while not reducing or eliminating the curriculum standards.

Title II/504 Coordinator.

A University official charged with the responsibility for the University's compliance with Title II of the Americans with Disabilities Act of 1990, as amended, Section 504 of the Rehabilitation Act of 1973, the University's Policies for Reasonable Accommodations for Persons with Disabilities, and this Plan with regard to issues of disability discrimination. The Title II/504 Coordinator may also serve as the University's EO Officer. If the positions are held by different individuals, the Title II/504 Coordinator and the EO Officer may collaborate on the enforcement of any part of this Plan. The identity and contact information for the Title II/504 Coordinator shall be published and widely distributed on each campus, including on the website of each campus.

The Title II/504 Coordinator for Westfield State University is:

Trish Bonica

Office of HR, Title IX, & EO

pbonica@westfield.ma.edu

413-572-8670

Undue Hardship

The University is required to provide reasonable accommodations to qualified individuals with disabilities unless doing so would impose an undue hardship on the operation of the University's business. Undue hardship means an action that requires significant difficulty or expense when considered in relation to factors such as the University's overall size, financial resources, and the nature and structure of its operation.

Process by Which to Request Reasonable Accommodations for a Disability

Any member of the University community who seeks a reasonable accommodation for a disability, including any applicant for employment or admission who seeks assistance in the application process, may contact the EO Officer and/or the Title II/Section 504 Coordinator, or the resources below for more information.

Melissa Cody

Associate Director of Benefits & Wellness Office of HR, Title IX, & EO
mcody@westfield.ma.edu
413-572-8476

Additionally, students seeking reasonable accommodations, auxiliary aids, and/or academic adjustments for a disability must contact the resource noted below to obtain such services:

Banacos Academic Center
banacos@westfield.ma.edu
413-572-8377

Complaint Investigation and Resolution Procedures

Any member of the University community or any applicant for admission or employment who believes that they have experienced disability discrimination or harassment, or who alleges that the University has failed to provide reasonable accommodations, appropriate auxiliary aids, and/or academic adjustments, may initiate a claim as outlined in the Policy of Nondiscrimination and the Complaint and Resolution Procedures of this EO Plan.

Reasonable Accommodations for Pregnancy and Pregnancy-Related Conditions

In accordance with the requirements of state and federal law, including Title IX, the University prohibits discrimination against students, employees, and applicants based on pregnancy, childbirth, termination of pregnancy, lactation, related medical conditions, or recovery. Furthermore, the University provides reasonable accommodations for pregnancy and pregnancy-related conditions, including modifications for students, reasonable break time for employees for lactation, and one or more clean, private lactation spaces, that is not a bathroom, for both students and employees. The Title IX Coordinator coordinates specific actions to prevent sex discrimination and to ensure equal access to employment, education programs, and activities.

Student Accommodations for Pregnancy or Pregnancy-Related Conditions

Once a student or the student's representative notifies the Title IX Coordinator of the student's pregnancy or pregnancy-related condition, the University will:

- Inform the student of the University's obligations to students who are pregnant or experiencing pregnancy-related conditions and restrictions on University disclosure of personal information, as well as provide the University's notice of nondiscrimination.
- Provide the student with the option of individualized, reasonable modifications as needed to prevent discrimination and ensure equal access to the University's education program or activity.
- Allow the student a voluntary leave of absence for, at minimum, the medically necessary time period and reinstatement upon return, including reinstatement to the status held by the student when the leave began.
- Ensure the student's access to a clean, private space for lactation that is not a bathroom. Reasonable modification may include, but are not limited to, the following:
 - breaks during class to express breast milk, breastfeed, or attend to health needs associated with pregnancy or related conditions, including eating, drinking, or using the restroom;

- intermittent absences to attend medical appointments; access to online or homebound education;
- changes in schedule or course sequence;
- extensions of time for coursework and rescheduling of tests and examinations;
- allowing a student to sit or stand, or carry or keep water nearby;
- counseling;
- changes in physical space or supplies (for example, access to a larger desk or a footrest);
- elevator access; and/or
- other changes to policies, practices, or procedures.

The University does not require supporting documentation from a student unless doing so is necessary and reasonable. For example, the University does not require documentation when it has already been provided or relates to lactation needs; the need is obvious or one of various routine and simple modifications; or when modifications, leave, or other steps are available to students for non-pregnancy related reasons without submitting supporting documentation.

Employee Accommodations for Pregnancy or Pregnancy-Related Conditions

Upon the request from the employee or prospective employee, the University will engage in a timely, good faith, and interactive process to determine an effective, reasonable accommodation to enable the employee to perform the essential functions of the position.

Through the interactive process, the University will provide necessary, reasonable accommodations that will allow an employee to perform the essential functions of the job while pregnant or experiencing pregnancy-related conditions unless doing so would impose an undue hardship on the University. The University recognizes that it cannot make an employee accept a particular accommodation if another reasonable accommodation would allow the employee to perform the essential functions of the job or require an employee to take a leave if another reasonable accommodation may be provided without undue hardship.

Reasonable accommodations may include, but are not limited to, the following:

- reasonable break time for lactation;
- access a clean and private lactation space;
- more frequent or longer paid or unpaid breaks;
- time off to attend to a pregnancy-related condition or recover from childbirth with or without pay;
- acquisition or modification of equipment or seating;
- temporary transfer to a less strenuous or hazardous position;
- job restructuring;
- assistance with manual labor; and/or
- modified work schedule.

The University may require documentation regarding the need for an accommodation from a healthcare professional that explains what accommodation(s) the employee needs, but it cannot require documentation for the following accommodations: (1) more frequent restroom, food, or water breaks; (2) seating; (3) limits on lifting more than 20 pounds; and (4) clean, private space for lactation that is not a bathroom.

Process by Which to Request Accommodations for Pregnancy or a Pregnancy-Related Condition

Persons who seek an accommodation for pregnancy or a pregnancy-related condition may contact the Title IX Coordinator for more information.

Jill Moffit
Title IX Coordinator
Grand River Solutions
jmoffitt@westfield.ma.edu

The Title IX Coordinator is responsible for ensuring that any approved accommodations are implemented, including notifying any University officials responsible for implementing specific elements of the accommodation.

Complaint Investigation and Resolution Procedures

Employees, job applicants, and students who believe that they have been subjected to discrimination as a result of pregnancy or a pregnancy-related condition or who allege that the University has

failed to provide reasonable accommodations may initiate a claim as outlined in the Complaint Investigation and Resolution Procedures in this EO Plan.

Policy of Nondiscrimination

Types of Prohibited Discrimination

Discrimination is an intentional or unintentional act that adversely affects employment and/or educational opportunities because of a person's membership in a protected class, perceived membership in a protected class or association with a member(s) of a protected class. A single act of discrimination may be based on more than one protected class status.

The sections below describe the specific forms of discrimination, harassment, and retaliation prohibited under this Policy. When speech or conduct is protected by academic freedom and/or the First Amendment, it will not be considered a violation of this Policy.

Disparate Treatment Discrimination

Intentional treatment of an individual or group that is less favorable than treatment of others based on discriminatory reasons.

For example, if Latino employees are the only ones who need to take an exam to qualify for employment, they are experiencing disparate treatment.

Disparate Impact Discrimination

Disparate impact occurs where disparate treatment is unintentional because policies, practices, rules, or other systems that appear to be neutral result in a disproportionate impact on a protected group, and such disparities cannot be justified by business necessity.

For example, a qualification test may create a disparate impact if the pass rate among Latino applicants is significantly lower than for other groups.

Discriminatory Harassment

A form of prohibited discrimination including verbal and/or physical conduct based on membership, association with, or perceived membership in a protected class that: (1) has the purpose or effect of creating an objectively intimidating or hostile work or educational environment; (2) has the purpose or effect of unreasonably

interfering with an individual's work or educational opportunities; or (3) otherwise unreasonably adversely affects an individual's employment or educational opportunities.

Reasonable directions or warnings by authorized University personnel as to the time, place, and manner in which employees perform their assigned responsibilities, students carry out their educational assignments, or program participants engage in sponsored activities do not constitute evidence of discriminatory harassment under this Policy.

Hostile Environment Harassment

Hostile environment harassment is a form of discriminatory harassment where:

- The complainant is an actual or perceived member of a protected class, or associated with a member of a protected class;
- The complainant was subjected to conduct directed at said protected class;
- The harassing conduct was subjectively offensive (i.e., unwelcome) and objectively offensive; and
- Considering the totality of the circumstances, the conduct was sufficiently severe or pervasive that it altered conditions of employment or education by creating an intimidating, hostile, or humiliating environment.

Whether a "hostile" environment has been created is a fact-specific inquiry, based on the totality of the circumstances, that includes, but is not limited to, consideration of the following:

- The degree to which the conduct affected the complainant's ability to access the University's program or activity;
- The type, frequency, and duration of the conduct;
- The parties' ages, roles within the University's program or activity, previous interactions, and other factors about each party that may be relevant to evaluating the effects of the conduct;
- The location of the conduct and the context in which the conduct occurred; and
- Other harassment on the same or similar basis in the University's program or activity.

Under this definition, simple teasing, off hand comments, and isolated incidents, unless severe or pervasive and objectively and subjectively offensive, will not amount to hostile environment harassment under this Policy.

Quid Pro Quo Harassment

Quid pro quo protected class harassment is a form of prohibited discrimination that can occur when an employee's continued employment or receipt of workplace benefits, promotions, assignments, or opportunities, etc.; or a student's educational access or opportunities are conditioned on the individual's willingness to tolerate conduct of a harassing nature.

In a quid pro quo protected class harassment complaint, a preponderance of the evidence must show:

- Conduct requiring the complainant to alter, conceal, or eliminate a characteristic signifying their membership in a protected class or other unwelcome conduct of a harassing nature based on protected class; and
- Submission to or rejection of the conduct was made either explicitly or implicitly as a term or condition of employment or education or as a basis for employment or educational decisions affecting that individual.

A person may have a claim of quid pro quo harassment when they either reject or submit to the conduct in question or a mix of both. In either type of case, proof of the above elements necessarily proves that conduct was unwelcome.

Some examples of quid pro quo protected class harassment include:

Example 1: A student's grade in a course is conditioned on their willingness to conform and participate in their instructor's religious practices; or

Example 2: An employee assigned male at birth, who identifies as female, is required to dress in traditionally masculine clothing in order to keep her job and is terminated after refusing to do so.

Coinciding Harassment

Depending on the circumstances, a person can suffer one type of protected class harassment or both types of protected class harassment simultaneously.

Retaliation

Retaliation is prohibited by this Policy and the University will respond to information and complaints involving conduct that reasonably may constitute retaliation using the same procedures it uses for other forms of prohibited discrimination. Retaliation, even in the absence of provable discrimination in the original complaint, constitutes as serious a violation of this Policy as proved discrimination under the original claim, complaint or charge.

Retaliation may include adverse treatment, intimidation, threats, coercion, or discrimination against any person by the University, a student, or an employee, or other person authorized by the University to provide aid, benefit, or service under the University's education program or activity, (1) for the purpose of interfering with any right or privilege secured by this Policy, or (2) because the person has reported information, made a complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this policy, or (3) because the person is suspected of having filed such claims, complaints, or charges, or (4) the person has protested practices alleged to be violative of the nondiscrimination policies of the University, the BHE, or local, state or federal regulation or statute.

Peer retaliation, which is defined as retaliation by one student against another student or one employee against another employee of similar rank or authority, is also prohibited.

The University may require its employees to participate in, or otherwise assist with, an investigation, proceeding, or hearing, as such requirement does not constitute retaliation under this Policy.

Elements of Prohibited Discrimination and Harassment

This section defines specific criteria that is assessed to make a determination as to whether prohibited discrimination has occurred under this Policy. In all cases, prohibited discrimination must be based on one's membership in, one's association with, or perceived membership in one or more of the protected classes listed below. However, not all elements are required to demonstrate a violation for all types of prohibited discrimination. Please refer to the previous section for definitions of the types of prohibited discrimination and relevant elements

Based on a Protected Class

Discriminatory conduct under this Plan, regardless of type of discrimination, is targeted at an individual because they are a member of a protected class, are perceived to be a member of a protected class, or are associated with a member of a protected class. Discriminatory conduct can also be directed at members of a protected class as a whole.

Protected class harassment commonly revolves around membership in a single protected class, but harassment may also be intersectional and attributed to membership in two or more protected classes. This means that a person may face harassment not necessarily because of their membership in one protected class, but because of their concurrent membership in two or more protected classes.

Race

Discrimination is based on a complainant's race if it is because the complainant is Black, White, Hispanic or Latino, Asian or Pacific Islander, American Indian or Alaskan Native, multiracial, or another race and is interpreted to prohibit discrimination on the basis of ancestry or physical or cultural characteristics associated with a certain race, such as, but not limited to, skin color, hair texture or hairstyles, or certain facial features, and on the basis of stereotypes and assumptions about abilities, traits, or the performance of individuals of certain racial groups. All individuals, including persons of more than one race, are protected from discrimination.

Color

Color-based discrimination is due to an individual's pigmentation, complexion, or skin shade or tone. Color-based discrimination is sometimes related to discrimination based on race or national origin.

National Origin

Discrimination based on national origin is due to a complainant's or the complainant's ancestors' place of origin.

Religion

Religion is broadly defined. The protection against religious discrimination is not limited to mainstream religions, but also applies to any lawful observances and practices that are based on one's own sincerely held beliefs.

Sex

Sex-based discrimination can be due to sex (female, male, intersex), sex characteristics, sex stereotypes, sexual orientation, gender identity and expressions thereof, and pregnancy, childbirth, and related medical conditions. Sex-based discrimination explicitly includes sexual harassment, sexual assault, domestic violence, dating violence, and sex-based stalking.

Age

For the purposes of employment, age-based discrimination is prohibited against workers aged 40 or older. For the purposes of access to and participation in the University's educational programs and services, all persons of all ages are protected on the basis of age.

Disability

Disability discrimination is based on an individual's physical or mental disability or perceived disability, including harassment based on stereotypes about individuals with disabilities in general or about an individual's particular disability. It also can include harassment based on traits or characteristics linked to an individual's disability, such as how an individual speaks, looks, or moves, provided that the conduct meets the criteria for prohibited conduct.

Genetic Information

Discrimination based on genetic information may be based on any written, recorded individually identifiable result of a genetic test or explanation of such a result or family history pertaining to the presence, absence, variation, alteration, or modification of a human gene or genes.

Marital/Parental Status

Discrimination based on marital or parental status can be based on a person's status as single, married, parent, or non-parent where discrimination on these bases has disparately impacted those of different protected classes, including gender and sexual orientation.

Veteran Status

Veteran status discrimination is directed at a person who is a member of, has served in, applies to perform, or is obligated to perform service in, a uniformed military service of the U.S., including the National Guard.

Elements Specific to Hostile Environment Harassment

Subjective Unwelcomeness

Harassing conduct is subjectively offensive when a person experiences the conduct to be offensive, which, as a practical matter, also demonstrates unwelcomeness. Conduct can be subjectively offensive even if a person voluntarily participates. This standard is a personal one—conduct might be subjectively offensive to one person but not to another. Therefore, a person who does not subjectively perceive the conduct at issue as intimidating, hostile, or offensive has not experienced harassment, even if other individuals would consider such conduct to be so. Objections to or requests to stop harassing behavior, remarks, or epithets, or complaints to other individuals about conduct are some ways of demonstrating that conduct was subjectively offensive. However, a person is not required to complain to the University about the harassment, quit their job, or withdraw from classes in order to prove that they found it subjectively offensive. Not all conduct of an offensive nature is prohibited. If a person initiates conduct of an offensive nature or is a willing participant in an offensive environment, they might not be a victim of prohibited harassment. However, a person's participation in or acquiescence to conduct of a harassing nature does not determine whether the conduct was unwelcome. When a person submits to harassing behavior to avoid being targeted further, to cope in a hostile environment, or because participation is made an implicit or explicit condition of employment or education, they are not considered to have welcomed the conduct. Rejection of or failure to respond positively to offensive comments or gestures demonstrates unwelcomeness. A person does not have to communicate an objection to harassing conduct to demonstrate its unwelcomeness or communicate objections every time a harassing incident occurs.

Objectively Offensive

Harassing conduct relating to protected class is objectively offensive if it is offensive to a reasonable person who is similarly situated, considering all the circumstances. An examination into the totality of circumstances is necessary. The circumstances considered might include, but are not limited to, frequency of conduct, the public nature of the conduct, how other employees or students responded to the conduct, whether the conduct was previously objectionable to the individual, whether it was physically threatening or humiliating, or

whether any physical harm resulted. Those circumstances should include a person's protected class(es), if considering protected class may help a factfinder determine what would be offensive to a reasonable person who is similarly situated.

Conduct That Alters

Subjectively and objectively offensive conduct alters the conditions of employment or education and creates a hostile environment when it impedes an employee's or student's full participation in the workplace or educational program or activity.

Assessing whether conduct alters the conditions of employment or education requires a fact-based inquiry into the totality of the circumstances. This includes, but is not limited to, the nature, severity, frequency, and pervasiveness of the conduct and the psychological harm to an employee or student, if any.

Conduct that alters can manifest through physical conduct, verbal conduct, nonverbal conduct, written communication, electronic communications, pictures, or any combination of conductor speech. There is no requirement that conduct must be both severe and pervasive to create a hostile environment, and, in certain circumstances, a single incident can be serious enough to create a hostile environment. Not all unwelcome, offensive conduct alters an employee's conditions of employment by creating a hostile work environment or a student's education by creating a hostile educational environment.

Sex-Based Discrimination

Sex-based discrimination is any discrimination that depends in part on consideration of a person's sex and can be due to sex characteristics, sex stereotypes, sexual orientation, gender identity, gender expression, and pregnancy, childbirth, and related medical conditions.

Sex Characteristics – Physiological characteristics, such as anatomy, hormones, chromosomes, and other traits, associated with male, female, or intersex bodies.

Sex Stereotypes – Fixed or generalized expectations regarding a person's aptitudes, behavior, self-presentation, or other attributes based on sex.

Gender Identity – A person’s internal view of their gender. “Gender identity” covers a multitude of identities including, but not limited to, male, female, transgender, nonbinary, or gender-nonconforming individuals, and includes any person whose gender identity or gender presentation falls outside of stereotypical gender norms.

Gender Expression – Refers to the ways in which individuals manifest or express masculinity or femininity. It refers to all of the external characteristics and behaviors that are socially defined as either masculine or feminine, such as dress, grooming, mannerisms, speech patterns and social interactions.

Sexual Orientation – Actual or perceived heterosexuality, homosexuality, bisexuality, pansexuality, asexuality, or other sexual identity either by orientation or by practice.

Pregnancy, Childbirth, or Related Medical Conditions – Issues such as pregnancy; childbirth; lactation; using or not using contraception; or deciding to have, or not to have, an abortion.

Under Title IX, the University must not carry out different treatment or separation on the basis of sex by subjecting a person to more than de minimis harm except where permitted under the law in limited circumstances. Adopting a policy or engaging in a practice that prevents a person from participating in an education program or activity consistent with their gender identity causes more than de minimis harm on the basis of sex.

Sex-Based Harassment or Harassing Conduct Otherwise Based on Sex

A form of sex discrimination that includes sexual harassment and harassment based on sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, or gender identity; that is quid pro quo harassment, hostile environment harassment based on sex and/or of a sexualized nature; or one of four specific offenses:

- sexual assault
- domestic violence
- dating violence
- stalking

Some examples of conduct that may be considered sex-based harassment, all of which are prohibited when they are part of conduct that meets the standard for discriminatory harassment set forth in 4.1.3.1 (Hostile Environment Harassment) and 4.1.3.2 (Quid Pro Quo Harassment), include, but are not limited to:

Example 1: (Quid Pro Quo) A professor promises a student that he will give the student a better grade if he agrees to go out on a date with him. The student goes on the date and is given the better grade, or the student does not go on the date and does not receive the best

Example 2: (Quid Pro Quo) A manager tells her employee that his work hours will be reduced if he does not have sex with her. The employee has sex with the manager and is permitted to retain his current work schedule, or the employee does not have sex with the manager and his work hours are reduced;

Example 3: (Hostile Environment) Unwelcome sexual advances -- whether they involve physical touching or not;

Example 4: (Hostile Environment) Unwelcome sexual epithets, jokes, written or oral references to sexual conduct, gossip regarding one's sex life; unwelcome comments about an individual's body, including comments or inquiries about an individual's sexual activity, deficiencies, or prowess;

Example 5: (Hostile Environment) Unwelcome leering, whistling, brushing against the body, or sexual gestures.

Specific Offenses

Sexual Assault

An offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation. Attempts to commit any of these acts are also prohibited.

For the purposes of this section, the following considerations apply:
Consent – An understandable exchange of affirmative words or actions, which indicates a willingness by all parties to participate in mutually agreed upon sexual activity. Consent must be informed and freely and actively given and may not be obtained through coercion. It is the responsibility of the initiator to obtain clear and affirmative responses at each stage of sexual involvement. Consent to sexual activity may be withdrawn at any time, as long as the withdrawal is communicated clearly. Whether an individual has taken advantage of a position of influence over a complainant may be a factor in determining consent. A position of influence could include supervisory or disciplinary authority. Silence, previous sexual relationships or experiences, and/or

a current relationship may not, in themselves, be taken to imply consent. While nonverbal consent is possible (through active participation), it is best to obtain verbal consent. Similarly, consent to one form of sexual activity does not imply consent to other forms of sexual activity.

Coercion - Unreasonable pressure or emotional manipulation to persuade another to engage in sexual activity. When someone makes it clear that they do not want to engage in sexual behavior, or they do not want to go beyond a certain point of sexual activity, continued pressure beyond that point can be considered coercive. Being coerced into sexual activity is not consent to that activity.

Force - The use of physical strength or action (no matter how slight), violence, threats of violence, or intimidation (implied threats of violence) as a means to engage in sexual activity. A person who is the object of actual or threatened force is not required to physically, verbally or otherwise resist the aggressor, and lack of such resistance cannot be relied upon as the sole indicator of consent.

Incapacitation - An individual who is incapacitated by alcohol and/or drugs, whether voluntarily or involuntarily consumed, may not give consent. Alcohol or drug-related incapacitation is more severe than impairment, being under the influence, or intoxication. Persons unable to consent due to incapacitation also include, but are not limited to: persons under age sixteen (16); persons who are intellectually incapable of understanding the implications and consequences of the act or actions in question; and persons who are physically helpless.

Sexual Assault- Rape

The penetration, no matter how slight, of the vagina or anus, with any body part or object, or oral penetration by a sex organ of another person without the consent of the victim (or attempts to commit the same). This includes any gender of victim or respondent.

Sexual Assault- Fondling

Fondling is the touching of body parts commonly thought private of another person for the purpose of sexual gratification, without the consent of the victim, including instances in which the victim is incapable of giving consent because of age and/or because of temporary or permanent mental incapacity. This includes forcing another person to touch one's own body parts commonly thought private.

Domestic Violence

Felony or misdemeanor crimes committed by a person who:

- Is a current or former spouse or intimate partner of the victim under the family or domestic violence laws of the jurisdiction of the University, or a person similarly situated to a spouse of the victim;
- Is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner;
- Shares a child in common with the victim; or
- Commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of the jurisdiction.

Dating Violence

Dating violence is violence committed by a person:

- Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
- Where the existence of such a relationship shall be determined based on a consideration of the following factors:
 - The length of the relationship;
 - The type of relationship; and
 - The frequency of interaction between the persons involved in the relationship.

Stalking

Engaging in a course of conduct based on sex and directed at a specific person that would cause a reasonable person to:

- Fear for the person's safety or the safety of others; or
- Suffer substantial emotional distress.

See Appendix 4 for state, local, and campus resources and other information to support persons who have experienced sex-based harassment.

Jurisdiction

University Programs and Activities

The University's prohibitions against discrimination, harassment, and retaliation applies to all conduct occurring under the University's programs or activities. It applies to all members of the campus communities, including, but not limited to, students, faculty, librarians, staff, visitors, contractors, and applicants for employment or admission.

Conduct that occurs under the University's program or activity includes, but is not limited to:

- Athletics;
- Instruction;
- Grading;
- Housing;
- Extracurricular activities;
- Employment;
- Conduct that occurs in any building owned or controlled by a student organization that is officially recognized by a postsecondary institution; and
- Conduct that is subject to the University's disciplinary authority.

Conduct Outside of the University's Programs and Activities

Discrimination, harassment, or retaliation that occurs outside of the University's programs and activities may be actionable if there is a sufficient link with the employment or student relationship or both or where such conduct contributes to a hostile environment within the University's programs or activities. To determine whether conduct outside of the University's programs and activities constitutes prohibited discrimination or harassment, the University may consider the following non-exhaustive list of factors:

- Whether the conduct adversely affected the terms and conditions of the complainant's employment or education or impacted the complainant's work or learning environment;
- Whether the conduct occurred during a workplace event or educational activity, such as a University-sponsored function or outing;
- Whether the conduct occurred during work hours or scheduled class time;
- The relationship between the complainant and alleged harasser, such as harassment between a supervisor and supervisee or faculty member and student; or
- The nature and severity of the alleged conduct.

Online Conduct

Prohibited discriminatory harassment and retaliation may also occur via social media and other virtual platforms. Offensive conduct occurring online may be considered in determining both quid pro quo harassment claims and hostile environment harassment claims, such

as a person making sexual requests through private online messages or a member of the campus community posting derogatory information about another member of the campus community online, provided the conduct meets the standard of discriminatory harassment set forth in Hostile Environment and/or Quid Pro Quo. To determine whether conduct occurring online constitutes prohibited harassment covered by this Plan, the University will consider the nature and severity of the conduct, and may consider a range of non-exhaustive factors:

- The nature or severity of the conduct;
- The virtual platform within which such conduct took place, and whether it is connected to the workplace or educational environment;
- The device or account used to access social media or the platform, such as the use of a University account or device;
- Whether the conduct occurred during work hours;
- How the respondent obtained access to the complainant's social media accounts;
- Whether the harassment was on publicly available social media or private;
- The relationship between the complainant and respondent, such as harassment between a supervisor and employee or between a faculty member and student; or
- Whether the conduct adversely affected the terms and conditions of the complainant's employment or education or has an effect on the complainant's work or educational environment.

First Amendment and Academic Freedom

The University is committed to protecting, maintaining, and encouraging both freedom of expression and full academic freedom of inquiry, teaching, service, and research. Nothing in this Policy shall be construed to penalize a member of the University community for expressing an opinion, theory, or idea in the process of responsible teaching and learning. Accordingly, any form of speech or conduct that is protected by the principles of academic freedom or the First Amendment to the United States Constitution is not subject to this Policy.

Consensual Relationships

Consensual romantic and/or sexual relationships in which one party retains a direct supervisory or evaluative role over the other party are unethical and create a risk for real or perceived coercion and sexual

harassment. The University does not intrude upon private choices regarding personal relationships when these relationships do not violate the University's policies, or cause harm or increase the risk of harm to the safety and wellbeing of members of the campus community.

Faculty/Administrator/Staff Member Relationships with Students

No faculty member shall have a romantic and/or sexual relationship, consensual or otherwise, with a student who is being taught or advised by the faculty member or whose academic work is being supervised or evaluated, directly or indirectly, by the faculty member. No administrator or staff member shall have a romantic and/or sexual relationship, consensual or otherwise, with a student whom the administrator or staff member supervises, evaluates, advises, or provides other professional advice or services as part of a University program or activity. Even if not expressly prohibited, a romantic and/or sexual relationship, consensual or otherwise, between a faculty member, administrator, or staff member and a student is looked upon with disfavor and is strongly discouraged.

Relationships Between Supervisors and Subordinates or Between Coworkers

A consenting romantic and/or sexual relationship between a supervisor and subordinate or coworkers may interfere with or impair the performance of professional duties and responsibilities and/or create an appearance of bias or favoritism. Further, such relationships could implicate state ethics laws and/or result in claims of discrimination, sexual misconduct, sex-based harassment, domestic violence, dating violence, stalking, and retaliation. Therefore, such workplace relationships are strongly discouraged.

Employee Obligations

This section outlines specific obligations of employees to participate in required trainings; to report information, knowledge, or suspected knowledge of prohibited conduct under this policy; and/or to provide specific information to reporting parties. Employees who fail to adhere to these requirements and duties are subject to disciplinary action. Any member of the University community who has a question about their responsibilities under this Policy should contact the EO Officer or Title IX Coordinator.

Duty to Report Discrimination, Harassment, and Retaliation

Any trustee, administrator, department chair, program coordinator, manager, or any other employee with any supervisory authority, who receives such a report from a student or other member of the University community is obligated to report to the EO Officer or Title IX Coordinator any conduct of which they have direct knowledge and which they in good faith believe constitutes discrimination, discriminatory harassment, or retaliation in violation of this Policy. This includes sex-based discrimination and harassment.

All employees of the University without a duty to report are still encouraged to report to the EO Officer or Title IX Coordinator any conduct of which they have direct knowledge and which they in good faith believe constitutes discrimination, discriminatory harassment, or retaliation in violation of this Policy and to provide the reporting party as much assistance in bringing it to the attention of the EO Officer or Title IX Coordinator as is reasonably appropriate given their position at the University and relationship with the reporting party.

Duty to Report Sex-Based Discrimination or Sex-Based Harassment

In addition to the employees noted in section 4.7.1, any employee who either has authority to institute corrective measures on behalf of the University or has responsibility for teaching (credit and non-credit-bearing instruction) or advising (faculty and professional academic advisors) in the University's education program or activity, and who is not a confidential employee, is required to notify the Title IX Coordinator when the employee has information about conduct that reasonably may constitute sex discrimination under this Policy.

Duty to Notify Reporters of Sex-Based Discrimination or Sex-Based Harassment

Any employee not otherwise required to report information about conduct that reasonably may constitute sex discrimination may still elect to notify the Title IX Coordinator of information about such conduct. Otherwise, it is the obligation of that employee to notify the reporting party of specific information on how to contact the Title IX Coordinator and how to make a complaint.

Confidential Employees

Confidential employees must identify themselves as not required to report information to the Title IX Coordinator and only notify the

reporting party of specific information on how to contact the Title IX Coordinator and how to make a complaint. The reporting party may request that confidential employees make a report to the Title IX Coordinator if the reporting party provides written consent to share information directly with the Title IX Coordinator.

Duty to Report Abuse of Minors, Adults Aged 60+, and Persons with Disabilities

Persons under 18 may be students or may be engaged in activities sponsored by the University or by third parties utilizing University facilities. Where an employee has reasonable cause to believe that a child is suffering injury, neglect, or abuse, including from sexual abuse, on campus or on University-owned or controlled property, the employee and/or the University may be obligated to comply with the mandatory child abuse reporting requirements established at M.G.L. c. 119, §51A-E. In such cases, the employee must immediately report the matter to Campus Police or Public Safety, who, in consultation with other officials, shall contact the Department of Children and Families (“DCF”) and/or outside law enforcement. In certain cases, employees may be obligated to make a report directly to DCF.

An employee may also directly contact law enforcement, DCF, or other relevant state agency in cases of suspected abuse or neglect. Massachusetts law also has mandatory reporting requirements for certain occupations where abuse or neglect of adults over 60, per M.G.L. c. 19A, §15, or persons with disabilities, per M.G.L. c. 19C, is suspected. For more information, please contact the Campus Police or Public Safety.

University Police
413-572-5262 (non-emergencies)

Duty to Report Violations of the Clery Act

Furthermore, Campus Security Authorities for the purposes of the Clery Act must act in accordance with their specific reporting obligations.

Duty to Inform Persons Reporting Pregnancy or Pregnancy-Related Conditions

When a student, or a person who has a legal right to act on behalf of the student, informs any employee of the student’s pregnancy or related conditions unless the employee reasonably believes that the Title IX

Coordinator has been notified, the employee is required to promptly provide that person with the Title IX Coordinator's contact information and inform the student or person who has a legal right to act on the student's behalf that the Title IX Coordinator can coordinate specific actions to prevent sex discrimination and ensure the student's equal access to the University's education program or activity.

Required Title IX and Campus Sexual Misconduct Employee Training

All employees, including all faculty, staff, librarians, contract employees, and student employees are required to participate within 45 days of hire, and annually thereafter, in training on: (i) the University's obligation to address sex discrimination in its education program or activity; (ii) the scope of conduct that constitutes sex discrimination under Title IX and this Policy, including the definition of sex-based harassment; and (iii) all applicable notification and information requirements under Title IX and this Policy.

Furthermore, training at time of hire shall include but not be limited to: (i) an explanation of civil rights laws, their meaning, purpose, definition and applicability to all forms of sex-based and gender-based harm; (ii) the role drugs and alcohol play in changing behavior and affecting an individual's ability to consent; (iii) information on options relating to the reporting of an incident of sexual misconduct, the effects of each option and the methods to report an incident of sexual misconduct, including confidential and anonymous disclosure; (iv) information on the University's policies and procedures for resolving sexual misconduct complaints and the range of sanctions or penalties the University may impose on students and employees found responsible for a violation; (v) the name, contact information and role of the confidential resource provider; and (vi) strategies for bystander intervention and risk reduction; and (vii) information on opportunities for ongoing sexual misconduct prevention and awareness campaigns and programming.

Training completion will be tracked by the Title IX Coordinator at each campus. Employees working on multiple campuses are required to participate in training at each University.

Investigators, decision-makers, and other persons who are responsible for implementing the University's grievance procedures relative to sex

discrimination or have the authority to modify or terminate supportive measures are required to participate in training relative to their duties and responsibilities under Title IX, including how to serve impartially, such as by avoiding prejudgment of the facts at issue, conflicts of interest, and bias, at the time of hire, at change of appointment that alters their duties under Title IX, and annually thereafter.

Complaint Investigation and Resolution Procedures

The University has adopted complaint investigation and resolution procedures (“Procedures”) that provide for the prompt and equitable resolution of complaints made by students, employees, or other individuals who are participating or attempting to participate in its program or activity, or by the Title IX Coordinator or Equal Opportunity Officer. These Procedures provide a mechanism for investigation and resolution of any alleged conduct prohibited by the EO Plan and are available to all students, faculty, librarians, staff, visitors, contractors, applicants for employment or admission, and others having dealings with the University.

No community member may retaliate, harass, intimidate, threaten, coerce, or otherwise discriminate against any individual for filing a complaint under these Procedures or for otherwise exercising their rights or responsibilities under the EO Plan.

Specific elements of these Procedures are applicable only to complaints and reports of sex-based harassment and are explicitly designated as such. See Appendix 5 for a summary of rights for parties to complaints of sex-based harassment.

Definitions

Administrative Reviewer

The administrative reviewer, one or more trained persons, other than the investigator, who reviews the investigation report to assess if the investigation process was equitable, impartial, and thorough, and therefore, complete. The administrative reviewer may or may not be the EO Officer or Title IX Coordinator. The administrative reviewer is part of the decision-making body.

Complainant

A student or employee who is alleged to have been subjected to conduct that could constitute discrimination under the Policy of

Nondiscrimination; or a person other than a student or employee who is alleged to have been subjected to conduct that could constitute discrimination under the Policy of Nondiscrimination and who was participating or attempting to participate in the University's program or activity at the time of the alleged discrimination.

Complaint

An oral or written request to the University that objectively can be understood as a request for the University to investigate and make a determination about alleged discrimination under the Policy of Nondiscrimination.

Decision-Making Body/Decision-Maker

The decision-making body, or decision-maker, is comprised of the investigator and administrative reviewer assigned to a complaint. The decision-making body makes the determination as to whether prohibited conduct occurred based on the preponderance of the evidence and, where such prohibited conduct is found to have occurred, assigns any appropriate sanctions or remedies.

Disciplinary Sanctions

Consequences imposed on a respondent following a determination under these Procedures that the respondent violated the University's Policy of Nondiscrimination.

Investigator

The investigator is one or more trained persons assigned to a complaint to gather evidence and interview parties and witnesses to make findings of fact regarding the allegations in the complaint. The investigator may or may not be the EO Officer or Title IX Coordinator. The investigator is part of the decision-making body.

Party

A complainant or respondent.

Relevant

Questions are relevant when they seek evidence that may aid in showing whether the alleged discrimination occurred, and evidence is relevant when it may aid a decision maker in determining whether the alleged discrimination occurred.

Remedies

Measures provided, as appropriate, to a complainant or any other person the University identifies as having had their equal access to the University's program or activity limited or denied by discrimination as defined by the Policy of Nondiscrimination. These measures are provided to restore or preserve that person's access to the University's program or activity after the University determines that discrimination occurred.

Report

A report is the first step in order for an individual to provide information, learn about options and resources, and consider supportive measures. A report puts the University on notice that prohibited conduct may have occurred and may or may not include a request for investigation of prohibited conduct. Many employees are obligated to share information reported to them about conduct prohibited under the Policy of Nondiscrimination with the Title IX Coordinator or EO Officer and, therefore, most reports result in outreach from the Title IX Coordinator or EO Officer to the impacted individual(s) to provide information and review options, including options to submit a complaint and request an investigation. A report can be submitted by an employee, student, community member, or other third party, and can be authored by someone impacted by behavior or someone with knowledge of it. A report may be considered a complaint where it includes a statement that can be objectively understood as a request for the University to investigate and make a determination about alleged discrimination under the Policy of Nondiscrimination.

Respondent

A person or persons who are alleged to have violated the University's Policy of Nondiscrimination.

Supportive Measures

Supportive measures are individualized measures offered as appropriate and as reasonably available, without unreasonably burdening a complainant or respondent, not for punitive or disciplinary reasons, and without fee or charge to the complainant or respondent to:

- Restore or preserve that party's access to the University's program or activity, including measures that are designed to protect the safety of the parties or the University's environment; or

- Provide support during the University's complaint investigation and resolution procedures or during an informal resolution process.

Such measures are designed to restore or preserve equal access to the University's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the University's educational environment, or deter prohibited harassment. Supportive measures may include, but are not limited to, counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules or dining arrangements, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, restrictions from areas of campus, leaves of absence, increased security and monitoring of certain areas of the campus, statutorily provided leave to employees, and other similar measures.

A formal complaint is not required to request or access supportive measures. Supportive measures may be appealed under the same grounds as outlined in section 5.5.18 of this Plan. Appeals may be submitted to the Title IX Coordinator or EO Officer.

See Appendix 4 for state, local, and campus resources and other information to support persons who have experienced sex-based harassment.

Amnesty

Students may be hesitant to report sex-based harassment, sexual assault, domestic or dating violence, stalking, or retaliation, out of concern that they, or witnesses, might be charged with violations of the University's drug/alcohol policies. While the University does not condone such behavior, it places a priority on the need to address sex-based harassment prohibited by this Plan. Accordingly, the University will not pursue discipline against a student who, in good faith, reports, witnesses, or participates in an investigation of sex-based harassment, sexual assault, domestic or dating violence, stalking, or retaliation.

False Complaints

Filing a false charge of discrimination, discriminatory harassment, or retaliation is a serious offense. If an investigation reveals that a person knowingly filed false charges, the University shall take appropriate

actions and issue sanctions, up to and including termination or expulsion, pursuant to other applicable University policies, including any applicable collective bargaining agreement. The imposition of such sanctions does not constitute retaliation under this Plan. The University will not discipline any party, witness, or others participating in the process for making a false statement based solely on the University's determination of whether prohibited conduct occurred.

Complaints

A complaint is one action that may be pursued based on a report of prohibited behavior under this Plan. Additional reporting and resolution options are described in sections 5.7 and 5.8 of this Plan. The formal complaint process includes an investigation process, determination of responsibility by a decision-maker, and an appeal opportunity.

Right to Make a Formal Complaint

The following people have a right to make a complaint of prohibited discrimination, requesting that the University investigate and make a determination about alleged discrimination:

A "complainant," which includes:

- a student or employee of the University who is alleged to have been subjected to conduct that could constitute discrimination under the Policy of Nondiscrimination; or
- a person other than a student or employee of the University who is alleged to have been subjected to conduct that could constitute discrimination under the Policy of Nondiscrimination at a time when that individual was participating or attempting to participate in the University's program or activity.
- University officials with oversight of this Plan:
- The University's Title IX Coordinator, consistent with the requirements of Title IX; or
- The University's Equal Opportunity Officer, consistent with the requirements of Title VI and Title VII.

Where a complaint is filed by the University's Title IX Coordinator or EO Officer, or a person authorized to act on behalf of the complainant, the complainant is still such person who is alleged to have been subjected to conduct that could constitute discrimination under the Policy of Nondiscrimination. In such cases, neither the Title IX Coordinator, the Equal Opportunity Officer, nor the University, are the complainant.

Submission of Complaint

Individuals are encouraged to file complaints directly with the EO Officer or Title IX Coordinator, but complaints may also be filed with other offices, such as Student Conduct, Human Resources, Residence Life, or Campus Police. Any complaint that is initially filed with other offices will be reported to the EO Officer or Title IX Coordinator. The complaint must be in the words of the complainant or the University official who received the complaint. Complaints should contain all known facts pertaining to the alleged violation, the names of any known witnesses and others with knowledge of the allegations, and an identification of any documents or other evidence.

Reports may be made in person, in writing, by mail, by telephone, or by electronic mail, using the contact information listed for the EO Officer or Title IX Coordinator, electronic form (if available), or by any other means that results in the EO Officer or Title IX Coordinator receiving the person's verbal or written report. Such a report may be made at any time (including during nonbusiness hours) by using the reporting options available at the time of the report.

<https://www.westfield.ma.edu/submitareport>

Jurisdiction Determination

The EO Officer, Title IX Coordinator, or designee will determine if the complaint falls within the jurisdiction of these Procedures. At this point, the University will implement any necessary and/or appropriate supportive measures, where applicable, or monitor and/or revise any measures already in place. If the University determines that the complaint is not properly filed pursuant to these procedures, it will provide written notice to the complainant (or third-party reporter).

Prohibited conduct occurring prior to the implementation of this EO Plan is subject to adjudication under the complaint and resolution procedures applicable at the time the alleged prohibited conduct occurred.

Consolidation

The University may consolidate complaints of discrimination against more than one respondent, or by more than one complainant against one or more respondents, or by one party against another party, when the allegations of discrimination arise out of the same

facts or circumstances. When more than one complainant or more than one respondent is involved, references below to a party, complainant, or respondent include the plural, as applicable.

Concurrent Investigations

In some circumstances, the respondent's alleged conduct violating this Plan may constitute a potential violation of other University conduct policies such as those in the Student Code of Conduct. To avoid duplicative efforts, the University may undertake a concurrent investigation of the alleged conduct. Where such concurrent investigation takes place, the University will use these Complaint Investigation and Resolution Procedures. Based on the findings of the concurrent investigation, the respondent may be subject to disciplinary action for violations of this Plan, the Student Code of Conduct, or other policy violations. If a formal complaint is dismissed in accordance with section 5.5.9 of this Plan, an investigation may continue under other University conduct policies and the procedures prescribed for alleged violations of those policies.

Concurrent Criminal or Civil Proceedings

University investigations may be conducted before, after, or simultaneously with civil or criminal proceedings, and University investigations are not subject to challenge on the grounds that civil or criminal charges involving the same conduct have been dismissed or reduced. When a person has been charged with a crime or a violation of civil law, the University will neither request nor agree to special consideration for the individual solely because of their student status. Persons subject to parallel criminal charges shall be instructed that their statements and/or other information supplied by them may be subject to subpoena. The University will not delay its investigation due to the criminal investigation unless law enforcement requests to gather evidence. When law enforcement makes such a request, the University will typically resume its investigation within three to ten days.

Counterclaims

At times a respondent may assert a counterclaim against the complainant in which the respondent alleges that the complainant has engaged in conduct that violates the EO Plan. Such counterclaims are treated as separate complaints under the EO Plan. Under such circumstances, the Investigator will notify and/or provide a copy of the

respondent's complaint to the complainant for their response in the same manner that the initial complaint is provided to the respondent. The University has the discretion to consolidate into one investigation all complaints between a complainant and a respondent (or among multiple parties) if the evidence related to each incident would be relevant and probative in reaching a determination on the other incident(s). Any complaint by a respondent against a complainant that is frivolous, knowingly false, or asserted in bad faith will be considered retaliation against the complainant who filed the original complaint and will become a separate violation of the EO Plan for which the Respondent may be subject to potential sanctions.

Patterned Offenses

Multiple complaints of discrimination can be charged as or combined as pattern offenses. A pattern may exist and be charged when there is a potential substantial similarity to incidents where the proof of one could make it more likely that the other(s) occurred, and vice-versa. Patterns may exist based on target selection, similarity of offense, or other factors. Where a pattern is found, it can be the basis to enhance sanctions, accordingly. Violation of any other University policies may constitute discrimination or harassment when motivated by actual or perceived protected characteristic(s), and the result is a limitation or denial of employment or educational access, benefits, or opportunities.

Dismissal of a Complaint

The University may dismiss a complaint if:

- The University is unable to identify the respondent after taking reasonable steps to do so;
- The respondent is not participating in the University's program or activity and is not employed by the University;
- The University obtains the complainant's voluntary withdrawal in writing of any or all of the allegations, the Title IX Coordinator or Equal Opportunity Officer declines to initiate a complaint, and the University determines that, without the complainant's withdrawn allegations, the conduct that remains alleged in the complaint, if any, would not constitute discrimination under the Policy of Nondiscrimination even if proven; or
- The University determines the conduct alleged in the complaint, even if proven, would not constitute discrimination under the Policy of Nondiscrimination. Before dismissing the complaint, the University will make reasonable efforts to clarify the allegations with the complainant.

Upon dismissal, the University will promptly notify the complainant in writing of the basis for the dismissal. If the dismissal occurs after the respondent has been notified of the allegations, then the University will notify the parties simultaneously in writing.

The University will notify the complainant that a dismissal may be appealed on the basis outlined in section 5.5.18 of this Plan. If dismissal occurs after the respondent has been notified of the allegations, then the University will also notify the respondent that the dismissal may be appealed on the same basis. If a dismissal is appealed, the University will follow the procedures outlined in section 5.5.18 of this Plan.

When a complaint alleging sex-based harassment is dismissed, the University will, at a minimum:

- Offer supportive measures to the complainant as appropriate;
- If the respondent has been notified of the allegations, offer supportive measures to the respondent as appropriate; and
- Take other prompt and effective steps, as appropriate, through the Title IX Coordinator to ensure that prohibited sex-based discrimination does not continue or recur within the University's program or activity.

Requirements of the Formal Complaint Process

Advisor of Choice

The University will provide the parties with the same opportunities to be accompanied to any meeting or proceeding by the advisor of their choice, who may be but is not required to be, an attorney.

- The University will not limit the choice or presence of the advisor for the complainant or respondent in any meeting or proceeding.
- The university may establish restrictions regarding the extent to which the advisor may participate in these resolution procedures, as long as the restrictions apply equally to the parties.

Respondents who are unit members may elect to have a union representative (or other University employee) present during any meeting that the unit member reasonably believes may result in discipline pursuant to the unit member's Weingarten rights. A respondent unit member who invokes their Weingarten right to a union representative or other University employee is not also permitted an advisor.

Equitable Treatment

The University will treat complainants and respondents equitably. Furthermore, the University presumes that the respondent is not responsible for the alleged prohibited conduct until a determination is made at the conclusion of these Procedures.

No Conflicts of Interest

The University requires that any EO Officer, Title IX Coordinator, investigator, or decisionmaker not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. As long as there is no conflict of interest or bias, a decisionmaker may be the same person as the EO Officer, Title IX Coordinator, or investigator.

Presentation of Witnesses and Evidence

The University will provide an equal opportunity for the parties to present fact witnesses and other inculpatory and exculpatory evidence that are relevant and not otherwise impermissible during the investigation process.

Privacy and Confidentiality

The University will take reasonable steps to protect the privacy of the parties and witnesses during its resolution procedures and to prevent and address the parties' and their advisors' unauthorized disclosure of information and evidence obtained solely through these complaint investigation and resolution procedures. These steps will not restrict the ability of the parties to obtain and present evidence, including by speaking to witnesses; consulting with their family members, confidential resources, or advisors; or otherwise preparing for or participating in the resolution procedures. The parties cannot engage in retaliation, including against witnesses.

Standard of Proof

The determination of responsibility for alleged violations of this Plan will be made based on a preponderance of evidence. Under this standard of proof, conclusions by the decision-maker must be based on what "more likely than not" occurred, based on available information and evidence. Accordingly, the decisionmaker must determine whether it is more likely than not that the respondent violated the Policy of Nondiscrimination.

Written Notice

The University will provide to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all meetings or proceedings with sufficient time for the party to prepare to participate.

Timeframes for Formal Complaints

The University has established the following timeframes for the major stages of the formal complaint process. A “day” for the purposes of these procedures is a business day, that is, Monday through Friday, excluding University-recognized holidays.

Formal Complaint Process Steps and Milestones	Timeframe, where practicable
Complaint Received	n/a
Notification of Allegations sent to all Parties Simultaneously	Promptly after formal complaint received
Respondent’s Initial Written Response to Allegations	Due 5 days after delivery of notice of allegations
Investigation to Gather Evidence and Conduct Interviews	To be concluded, where practicable, within 60 days of notice of allegations
Draft Investigation Report	Issued to parties simultaneously at the conclusion of the investigation process

Party Review and Response to Draft Investigation Report	Parties have 10 days to view the draft report and submit written response to the investigator
Final Investigation Report to Administrative Reviewer	Delivered to Administrative Reviewer within 10 days of response due date
Decision-Making Body Conducts Questioning, if required or applicable	To be completed within 15 days of receipt of written responses to Final Investigation Report
Written Determination of Responsibility sent to Parties Simultaneously	Within 7 days of the Decision-Making Body reaching a determination
Written Determination of Responsibility sent to Parties Simultaneously	Within 7 days of the Decision-Making Body reaching determination
Appeal Submittal	Due within 5 days of delivery of written determination
Appeal Response	To be concluded, where practicable, within 30 days of receipt of written appeal

If, for good cause, any stage of these Procedures is temporarily delayed, the University will provide the parties written status updates at reasonable intervals until the investigation is completed that explains the reason for the delay or extension. Good cause for limited delays may include considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; the need for language assistance or accommodation of disabilities; the complexity or severity of a complaint; and breaks in the academic calendar or exam periods. While the University will make reasonable efforts to accommodate the availability of parties, their advisors, and witnesses, a party, their advisor, or a witness may not delay the process unreasonably by refusing to attend or otherwise participate in the process.

Step 1: Written Notice of Allegations to Parties

Upon receipt of a formal complaint and initiation of the formal complaint process, the University will notify the parties in writing of the following with sufficient time for the parties to prepare a response before any initial interview:

- The University's complaint investigation and resolution procedures and any informal resolution process, if determined appropriate;
- Sufficient information available at the time to allow the parties to respond to the allegations, including the identities of the parties involved in the incident(s), the conduct alleged to constitute prohibited discrimination, and the date(s) and location(s) of the alleged incident(s), if known;
- Retaliation is prohibited;
- The respondent is presumed not responsible for the alleged discrimination until a determination is made at the conclusion of the resolution procedures. Prior to such a determination, the parties will have an opportunity to present relevant and not otherwise impermissible evidence to a trained, impartial decision-maker;
- The parties may have an advisor of their choice who may be, but is not required to be, an attorney;
- The parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence.
- The University prohibits knowingly making false statements or knowingly submitting false information during the complaint resolution and resolution procedures.

If, in the course of an investigation, the University decides to investigate additional allegations of discrimination by the respondent toward the complainant that are not included in the written notice or that are included in a consolidated or patterned complaint, it will provide written notice of the additional allegations to the parties.

The respondent may provide an initial written response to the allegations within five (5) days of delivery of the Notice of Allegations.

Step 2: Investigation

The investigation is a process by which the investigator assigned to a formal complaint gathers evidence and interviews parties and witnesses to make findings of fact regarding the allegations in the complaint. Through the investigation interviews, the investigator provides parties with opportunities to present evidence and fact witnesses.

The investigation shall include, but is not limited to: review and consideration of all relevant and not otherwise impermissible evidence, including written statements and other materials presented by the parties; interviews of the parties and other individuals and/or witnesses; reviewing certain documents or materials in the possession of either party that the investigator has deemed relevant; and an analysis of the allegations and defenses presented using the preponderance of the evidence standard. The investigator may also review any available campus police investigation reports or the investigation reports of local law enforcement authorities.

The investigator will objectively evaluate all evidence that is deemed relevant and not otherwise impermissible—including both inculpatory and exculpatory evidence.

The following types of evidence, and questions seeking that evidence, are impermissible (i.e., will not be accessed or considered, except by the University to determine whether one of the exceptions listed below applies, will not be disclosed, and will not otherwise be used), regardless of whether they are relevant:

- Evidence that is protected under a privilege recognized by Federal or State law or evidence provided to a confidential employee, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality;

- A party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the party or witness, unless the University obtains that party's or witness's voluntary, written consent for use in its resolution procedures; and
- In regards to complaints of sex-based harassment, evidence that relates to the complainant's sexual interests or prior sexual conduct, unless evidence about the complainant's prior sexual conduct is offered to prove that someone other than the respondent committed the alleged conduct or is evidence about specific incidents of the complainant's prior sexual conduct with the respondent that is offered to prove consent to the alleged sex-based harassment. The fact of prior consensual sexual conduct between the complainant and respondent does not by itself demonstrate or imply the complainant's consent to the alleged sex-based harassment or preclude determination that sex-based harassment occurred.

Duty to Cooperate

Every faculty member, librarian, administrator, staff member and University employee has a duty to cooperate fully and unconditionally in an investigation conducted pursuant to the Complaint Investigation and Resolution Procedures, This duty includes, among other things, speaking with the EO Officer, Title IX Coordinator, Investigator, reviewing or appellate body, and providing all documentation that relates to the claim being investigated. The failure and/or refusal of any employee, other than an employee subject to criminal charges or who invokes a Fifth Amendment privilege, to cooperate in an investigation may result in a separate disciplinary action up to and including termination.

Investigation Report

Following the gathering and review of evidence and conclusion of investigative interviews, a Draft Investigation Report will be produced which shall include:

- summaries of the investigation interviews;
- all evidence, or descriptions and summaries thereof, that is relevant to the allegations of discrimination and not otherwise impermissible;
- the investigator's findings fact based on the preponderance of the evidence; and
- the investigator's analysis of allegations, defenses, and evidence presented in order to make the factual findings.

The investigator will provide each party and the party's advisor, if any, with 10 days to view and respond in writing to the Draft Investigation Report.

The investigator will consider the responses to the Draft Investigation Report, make any changes deemed appropriate by the investigator, and provide a Final Investigation Report to the administrative reviewer, along with any evidence that was deemed not relevant or otherwise impermissible.

Should material changes be made to the Investigation Report due to the responses received to the Draft Investigation Report, the parties will be provided an additional opportunity to view the revised report and provide additional response to new substantive evidence. Each party will have 5 days to view and respond to the revised Investigation Report.

The Investigation Report does not include a determination. The determination and any applicable sanctions are communicated through the Notice of Outcome.

Step 3: Administrative Review

Assessment that Investigation is Complete

For all complaints, upon receipt of the Final Investigation Report, the administrative reviewer will review the Investigative Report to assess if the investigation process was equitable, impartial, and thorough, and therefore, complete. The administrative reviewer will review all available evidence to confirm that any evidence deemed irrelevant or impermissible has been appropriately excluded from consideration. The administrative reviewer may consult directly with the investigator to make such determinations. If deficiencies are found, the administrative review may remand the matter to the investigator for additional investigation.

The University provides the parties with an equal opportunity to be heard and to access the relevant and not otherwise impermissible evidence during the investigation process and through the Draft Investigation Report. If additional evidence is determined to be relevant and permissible during the Administrative Review process, the parties will be provided with an equal opportunity to access this evidence. Parties may also access relevant and permissible evidence upon the request of the party.

Credibility Assessment

If the administrative reviewer is satisfied that the investigation process was equitable, impartial, and thorough, the administrative reviewer and investigator, comprising the decision-making body, will make a credibility determination for each party. To the extent credibility is both in dispute and relevant to evaluating one or more allegations of discrimination, the decision-making body may direct follow-up questions to parties and witnesses to adequately assess a party's or witness's credibility. Credibility determinations will not be based on a person's status as a complainant, respondent, or witness. Such a credibility determination will be addressed in the final Investigation Report.

Follow-Up Questions

The investigator and administrative reviewer, as the decision-making body, further reserve the right to collaborate in conducting additional individual meetings with any parties and witnesses to ask follow-up questions.

Step 4: Special Considerations Applicable Only to Complaints of Sex-Based Harassment

In complaints alleging sex-based harassment, parties may propose to the decision-making body relevant and not otherwise impermissible questions and follow-up questions to ask of other parties and witnesses, including questions challenging credibility.

Such questioning will take place following the administrative review process and through one of two mechanisms: (1) a live hearing, or (2) shuttle-questioning in individual follow-up meetings.

The decision-making body, in consultation with the Title IX Coordinator, except where the Title IX Coordinator conducted the investigation or administrative review, will determine if such questioning will take place through a live hearing or individual follow-up meetings. The Title IX Coordinator may consider the following principles in making such a determination:

- Severity of alleged allegations;
- Severity of alleged harm resulting from alleged conduct;
- Imbalances of power between parties;
- Care, concern, and risk factors for the parties; or
- Whether all parties demonstrate capacity.

Procedures for a Live Hearing, if offered

In matters involving sex-based harassment and where the decision-making body, in consultation with the Title IX Coordinator, has deemed that a live hearing will be conducted for the purpose of questioning parties and witnesses, the University will conduct the live hearing with the parties and their advisors, if any, physically present in separate locations with technology enabling the decisionmaker and parties to simultaneously see and hear the party or witness while that person is speaking. At the University's discretion, the University may conduct the live hearing with the parties physically present in the same geographic location.

The University will create an audio or audiovisual recording or transcript of any live hearing and make it available to the parties for inspection and review but not for additional response.

Procedures for Shuttle-Questioning through Individual Follow-Up Meetings

In matters involving sex-based harassment and where the decision-making body, in consultation with the Title IX Coordinator, has deemed shuttle-questioning will take place through individual follow-up meetings for the purpose of questioning parties and witnesses, the decision-making body will solicit follow-up questions from parties following review of the investigation report. The decision-making body will conduct follow-up meetings with each party and any witnesses, as appropriate. The decision-making body will then provide each party with an audio or audiovisual recording or transcript of the questioning with enough time for the party to have a reasonable opportunity to propose additional follow-up questions. The decision-making body will again conduct follow-up meetings with each party and any witnesses, as appropriate, after which the questioning process is considered complete.

Procedures for the Decisionmaker to Evaluate the Questions and Limitations on Questions

Regardless of the format for follow-up questioning, the decision-making body is the only process participant who may ask direct questions of the parties and witnesses during the follow-up question process. Direct cross examination by the parties or their advisors is prohibited.

Parties will present their questions to the decision-making body for prescreening. The decision-making body will determine whether a proposed question is relevant and not otherwise impermissible before the question is posed and will explain any decision to exclude a question as not relevant or otherwise impermissible. Questions that are unclear or harassing of the party or witness being questioned will not be permitted. The decision-making body will give a party an opportunity to clarify or revise a question that the decision-maker determines is unclear or harassing. If the party sufficiently clarifies or revises the question, the question will be asked by the decision-making body.

Refusal to Respond to Questions

The decision-making body may choose to place less or no weight upon statements by a party or witness who refuses to respond to questions deemed relevant and not impermissible. The decision-making body will not draw an inference about whether discrimination occurred based solely on a party's or witness's refusal to respond to such questions.

Step 5: Determination of Whether Prohibited Discrimination Occurred

Following an investigation of a formal complaint, evaluation of all relevant and not otherwise impermissible evidence, and assessment of credibility, the decision-making body will:

- Use the preponderance of evidence standard of proof to determine whether prohibited conduct occurred. If the decision-making body is not persuaded under the preponderance of evidence standard that prohibited conduct occurred, whatever the quantity of the evidence is, the decision-making body will not determine that prohibited conduct occurred.
- Not impose discipline on a respondent for conduct prohibited by this Plan unless there is a determination at the conclusion of the complaint and resolution procedures that the respondent engaged in prohibited conduct.
- If there is a determination that prohibited conduct occurred, as appropriate, the EO Officer or Title IX Coordinator will:
 - Coordinate the provision and implementation of remedies to a complainant and other people the University identifies as having had equal access to the University's program or activity limited or denied by the prohibited conduct;
 - Coordinate the imposition of any disciplinary sanctions on a respondent, including, when appropriate, notification to the complainant of any such disciplinary sanctions;

- Take other appropriate prompt and effective steps to ensure that the prohibited conduct does not continue or recur within the University's program or activity;
- Comply with the complaint and resolution procedures before the imposition of any disciplinary sanctions against a respondent; and
- Not discipline a party, witness, or others participating in the complaint and resolution procedures for making a false statement or for engaging in consensual sexual conduct based solely on the determination whether prohibited conduct occurred.

The determination regarding responsibility becomes final either on the date that the University provides the parties with the written determination of the result of any appeal, or, if no party appeals, the date on which an appeal would no longer be considered timely.

Step 6: Notice of Outcome, Disciplinary Sanctions, and Remedies

A written Notice of Outcome will be issued to all parties simultaneously promptly and not more than seven (7) days following the determination by the decision-making body. The Notice of Outcome shall include the following:

- A description of the alleged prohibited conduct;
- Information about the policies and procedures that the University used to evaluate the allegations;
- The factual findings of the investigation based on the decision-making body's evaluation of the relevant and not otherwise impermissible evidence;
- The determination as to whether prohibited conduct occurred and the rationale for the determination;
- When the decision-making body finds that prohibited sex-based harassment occurred, any disciplinary sanctions the University will impose on the respondent, whether remedies other than the imposition of disciplinary sanctions will be provided by the University to the complainant, and, to the extent appropriate, others identified by the University to be experiencing the effects of the prohibited conduct;
- The sanctions that directly relate to the complaining party that arise from an allegation of any other form of prohibited discrimination; and
- The University's procedures and permissible bases for the complainant and respondent to appeal.

For the purpose of record keeping, the Notice of Outcome shall be affixed to the Final Investigation Report. Parties may request a copy of the Final Investigation Report by contacting the Equal Opportunity Officer and/or Title IX Coordinator.

Sanctions

Following a determination that prohibited conduct occurred, the University will notify a party found responsible of all sanctions imposed. If the sanctions imposed include a separation from the residence halls or the University, and, in the opinion of the decision-making body, the party poses a continued threat to the safety of one or more members of the campus community, the sanctions may take effect immediately, and while an appeal is pending.

For employee respondents, disciplinary action taken against an employee shall be regarded as an administrative action, up to and including termination. Additional disciplinary action shall also be taken against an employee who violates a sanction or sanctions imposed pursuant to this Plan.

Where removal of tenure is recommended by the decision-making body, the procedures set forth in Article IX of the collective bargaining agreement between the MSCA and the BHE will be followed. In the event that tenure is not removed, the matter will be remanded to the decision-making body to assign appropriate sanctions.

For student respondents, a student who has been found to have violated the EO Plan may be subject to sanctions including, but not limited to:

- reprimand
- fines and/or restitution
- warning
- disciplinary hold
- disciplinary probation
- assessment
- loss of privileges
- educational program or project
- relocation of residence
- revocation of admission or degree
- restriction from facilities or activities
- withholding of degree

- temporary or permanent residence hall suspension
- suspension
- expulsion

In general, the sanction typically imposed for students for rape is expulsion. The sanction typically imposed for students for other forms of sexual assault, domestic violence, dating violence, and stalking is suspension or expulsion. All student sanctions, however, are determined on a case-by-case basis in consideration of: the seriousness of the violation; sanctions typically imposed for similar violations; prior disciplinary history; and any other circumstances indicating that the sanction should be more or less severe.

Additional disciplinary action shall also be taken against a student who violates a sanction(s) imposed pursuant to this Plan. Depending on the nature of the violation, such discipline may be imposed pursuant to the provisions of this Plan or pursuant to the applicable provision of the Student Code of Conduct.

Additional Remedies Following Finding of a Violation

Where necessary, the University will provide additional measures to remedy the effects of a violation. These remedies are separate from, and in addition to, any supportive measures that may have been provided or sanctions that have been imposed. If the complainant declined or did not take advantage of a specific service or resource previously offered as a supportive measure, such as counseling, the University will re-offer those services to the complainant as applicable or necessary.

In addition, the University will consider broader remedial action for the campus community, such as increased monitoring, supervision, or security at locations where the incidents occurred, increased or targeted education and prevention efforts, climate assessments/victimization surveys, restorative justice, and/or revisiting its policies and procedures.

Step 7: Appeals

Appeals must be submitted to the EO Officer or, for complaints of sex-based discrimination, to the Title IX Coordinator, and be received by the fifth day following delivery of the Notice of Outcome or Notice of Complaint Dismissal.

The University will offer an appeal from a dismissal or determination whether prohibited conduct occurred on the following bases:

- Procedural irregularity that would change the outcome;
- New evidence that would change the outcome and that was not reasonably available when the determination or dismissal was made; and
- The EO Officer, Title IX Coordinator, investigator, or decisionmaker involved in the process had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that would change the outcome.
- If a party appeals a dismissal or determination whether prohibited conduct occurred, the University will:
 - Notify the parties in writing of any appeal, including notice of the allegations, if notice was not previously provided to the respondent;
 - Implement appeal procedures equally for the parties;
 - Ensure that the decisionmaker for the appeal did not take part in an investigation of the allegations or dismissal of the complaint;
 - Ensure that the decisionmaker for the appeal has been trained consistent with the policy and, for sex-based discrimination complaints, with Title IX regulations;
 - Communicate to the parties in writing that the University will provide the parties a reasonable and equal opportunity to make a statement in support of, or challenging, the outcome; and
 - Notify the parties in writing of the result of the appeal and the rationale for the result.

Informal Resolution

In lieu of resolving a complaint through the University's formal complaint investigation procedures, the parties may instead request to participate in an informal resolution process by making a request to the EO Officer or Title IX Coordinator.

The University will inform the parties in writing of any informal resolution process it offers and determines appropriate, if any. Participation in informal resolution is voluntary. This resolution option is only available where all parties explicitly agree to utilize an informal resolution process.

The University will not offer informal resolution to resolve a complaint when such a process would conflict with Federal, State, or local law. The EO Officer and/or Title IX Coordinator, in conference with others as

necessary, will assess the request for informal resolution against the severity of allegations and the potential risk of a hostile environment or safety concern for other campus community members. Informal resolution is not available when the complainant is an employee of the University. In addition to the aforementioned considerations, the University may also consider these additional factors:

- Likelihood of potential resolution, considering any power dynamics between the parties
- Civility, emotional investment, and capability of the parties
- Respondent's disciplinary history
- Complaint complexity
- Goals of the parties
- Adequate resources to invest in informal resolution (e.g., time, staff, etc.)

If an informal resolution is appropriate, the EO Officer or Title IX Coordinator will notify the parties. The University will not ask a complainant to resolve a problem with a respondent without the involvement of the EO Officer, Title IX Coordinator, or designee. Before the initiation of an informal resolution process, the University will explain in writing to the parties:

- The allegations;
- The requirements of the informal resolution process;
- That any party has the right to decline to participate in the informal resolution process;
- That any party has the right to withdraw from the informal resolution process and initiate or resume complaint investigation and resolution procedures at any time before agreeing to a resolution;
- That if the parties agree to a resolution at the end of the informal resolution process, they cannot initiate or resume complaint investigation procedures arising from the same allegations;
- The potential terms that may be requested or offered in an informal resolution agreement, including notice that an informal resolution agreement is binding only on the parties; and
- What information the University will maintain and whether and how the University could disclose such information for use in complaint and resolution procedures if such procedures are initiated or resumed.

The EO Officer, Title IX Coordinator, or designee will facilitate a dialogue with the parties in an attempt to reach a resolution. At no time prior to the resolution of the matter shall either party question or confront the other, or engage a third party to do so, outside the presence of the EO Officer, Title IX Coordinator, or designee.

Every attempt will be made to conclude the Informal Resolution Process within sixty (60) days of the date of the request for informal resolution. A complainant is not required to use the Informal Resolution Procedure before initiating the complaint investigation procedures. A party may withdraw from the Informal Resolution Procedure and initiate the complaint investigation procedures at any time.

The informal resolution process will be deemed complete when all parties expressly agree to an outcome that is acceptable to them and to the University. The University will create a written record of any such agreement. The University will also ensure a reasonably prompt time frame for an informal resolution process if it is offered and utilized.

Other Reporting Options

Law Enforcement

Complainants are never required to report an incident to Campus Police/Public Safety or local law enforcement. The EO Officer or Title IX Coordinator will assist complainants in notifying law enforcement if requested by the complainant.

Where complainants allege prohibited conduct that may also violate the law, complainants may file a criminal complaint with Campus Police/Public Safety, the local police department where the incident occurred, and/or other state and federal law enforcement agencies. Complainants can make both a criminal report and a report to the University and do not have to choose one or the other. The Universities encourage victims of crimes to report incidents to the police so that the police can take appropriate measures to help victims and prevent future crimes. In addition to the EO Officer or Title IX Coordinator, Campus Police/Public Safety will help in filing a report with local law enforcement, should the complainant request assistance.

If a complainant elects not to make a criminal report, the University will respect that decision; however, the University may have an obligation under the Clery Act to inform Campus Police/Public Safety of an alleged

crime but will not disclose the complainant's name. If a complainant chooses to make a report to Campus Police/Public Safety, an investigation will be conducted, and if the Complainant so requests, they will receive assistance in filing criminal charges against the Respondent. Campus Police/Public Safety can also assist a complainant in the process of obtaining protective restraining orders and abuse prevention orders for physical assault, sexual harassment, sexual assault, dating violence, domestic violence, and stalking.

Confidential Reports

Employees with Confidential Privilege

Persons who have experienced prohibited conduct under this Plan may share information confidentially with designated employees (“Confidential Employees”) who cannot reveal identifying information to any third party unless one or more of the following conditions is present:

- the individual has provided written consent to disclose information;
- there is a concern about imminent harm to self or others;
- the information concerns the neglect or abuse of someone who is a minor, elderly, or disabled; or
- an employee has been charged with providing non-identifiable information for purposes of the Clery Act.

“Confidential Employees” include the following positions, only when acting in their professional capacity for which confidential privilege has been afforded:

- licensed mental health counselors;
- licensed health care personnel; or
- pastoral counselors or clergy who work for the University.

Confidential Resource Provider for Sex-Based Harassment

The University has designated at least one Confidential Resource Provider to assist individuals with concerns of sex-based harassment including sexual assault, domestic violence, dating violence, and stalking.

The confidential resource provider receives training in the awareness and prevention of sex-based harassment and in trauma-informed response and coordinates with any on-campus or off-campus sexual assault crisis service center or domestic violence program and, if

directed by the reporting party, campus or local law enforcement agencies, assists the student or employee in contacting or reporting to campus or local law enforcement agencies. If requested by the reporting party, the confidential resource provider, using only the reporting party's identifying information, shall coordinate with the appropriate institutional personnel to arrange possible interim school-based supportive measures to allow the reporting party to change academic, living, campus transportation or working arrangements in response to the alleged sexual misconduct. A confidential resource provider shall not provide services to adverse parties in an incident of sexual misconduct and shall ensure confidentiality is maintained.

The confidential resource provider is not required to report an incident to the institution or a law enforcement agency unless otherwise required to do so by state or federal law and shall provide confidential services to students and employees. A request for a possible interim school-based supportive measure made by a confidential resource provider on behalf of a reporting party to change an academic, living, campus transportation, or working situation in response to alleged sex-based harassment shall not require the reporting party to file a formal complaint. A confidential resource provider may attend University's investigation and resolution proceedings as the advisor of the student's or employee's choice.

Upon the request of the reporting party or responding party, the confidential resource provider shall provide information on:
the parties' rights;

- The university's responsibilities regarding a protection order, no contact order, and any other lawful orders issued by the institution or by a criminal, civil, or tribal court;
- reporting options and the effects of each option;
- counseling services available on campus and through a local, community-based rape crisis center or domestic violence program;
- medical and health services available on campus and off campus;
- available school-based supportive measures related to academic and residence life;
- the disciplinary process of the institution; and
- the legal process carried out through local law enforcement agencies.

The University's Confidential Resource Provider is:

The Office of HR, Title IX, & EO for additional information regarding confidential resources.

Office of HR, Title IX, & EO hr@westfield.ma.edu
413-572-8106

Anonymous Reports of Sex-Based Harassment

The University provides an anonymous reporting option for sex-based harassment. Limited actions and interventions are available in response to anonymous reports. Anonymous reports are not accepted as formal complaints under this Plan. In some cases, the University will be able to use information from anonymous reports to identify patterns, investigate prohibited conduct, structure appropriate and available interventions to address prohibited conduct, issue timely warnings, follow up with impacted parties, or address problematic behavior directly. However, information received anonymously will be used primarily for data and trend tracking.

Anonymous reports may be made online at:
<https://www.westfield.ma.edu/submitareport>

Appendix I: Primary Responsibilities - EO Officer

The Equal Opportunity Officer ("EO Officer") provides campus-wide leadership to promote equal opportunity and nondiscrimination on campus. The EO Officer works closely with the President, Vice Presidents, Department Chairs, Program Coordinators and Directors in the implementation, monitoring and evaluation of the Universities' Equal Opportunity, Nondiscrimination, and Title IX Plan. The EO Officer is the ombudsman for all issues of discrimination, other than sex-based discrimination, and retaliation.

The EO Officer may also serve as the Title II/Section 504 Coordinator. Similarly, the EO Officer may be the primary Title IX Coordinator for each University, although the University may designate one or more additional Deputy Coordinators to assist with Title IX compliance.

This position typically reports directly to the President or a senior cabinet member and may provide supervisory oversight to professional and non-professional staff.

Typical duties include:

- Provides leadership in planning and organizing events and programs to increase the awareness of diversity on campus.
- Develops plans and policies to recruit and employ members of protected classes through equal employment opportunity programs.
- Responsible for monitoring, implementing and evaluating recruitment to insure a policy of non-discrimination, equal employment/educational opportunity, and diversity.
- Serves as an ex-officio member of faculty hiring committees.
- Works closely with the Vice Presidents, Directors, Program Coordinators and Department Heads to develop and implement program initiatives designed to increase diversity among faculty, staff and students.
- Plans and develops policies and procedures regarding the implementation of the ADA and the Rehabilitation Act.
- Oversees investigations of all complaints of discrimination, other than sex-based discrimination, and retaliation filed pursuant to the University's EO Plan Complaint Investigation and Resolution Procedures. Responsible for communicating all relevant information to appropriate persons on campus regarding the investigation process.
- May act as a representative of the University on claims presented to state/federal agencies.
- Reviews University policies for potential discriminatory impact.
- Communicates information on laws, regulations, and policies on equal opportunity to members of the University community.

Typical experience, knowledge, and credentials that prepare someone for this role may include:

- Master's Degree and/or Juris Doctor degree
- Demonstrated knowledge of and ability to interpret federal and state discrimination, harassment, and equal opportunity laws.
- Exceptional communication, organizational, and interpersonal skills.
- Demonstrated ability to maintain a high level of collegiality with different campus constituencies.
- Experience with sexual misconduct prevention programming and training.
- Experience designing and implementing training for different campus constituencies.
- Experience with reporting software and databases.

- Prior experience conducting investigations in higher education.
- Experience participating in administrative hearings and proceedings.
- Experience with and understanding of mental health/counseling issues in higher education.

This description of primary responsibilities is illustrative and not necessarily exhaustive.

Appendix 2: Primary Responsibilities - Title IX Coordinator

The Title IX Coordinator has primary responsibility for managing the day-to-day responsibilities associated with the University's compliance obligations under Title IX and the Massachusetts Campus Sexual Violence Law of 2021, and the related policies of the University. The Title IX Coordinator works closely with the President, Vice Presidents, Department Chairs, Program Coordinators, and Directors in the implementation, monitoring, and evaluation of the Universities' Equal Opportunity, Nondiscrimination, and Title IX Plan as it pertains to sex-based discrimination and Title IX compliance.

The Title IX Coordinator may also serve as the EO Officer and/or the Title II/Section 504 Coordinator. Additionally, the individual Universities may designate one or more additional Deputy Coordinators to assist the lead Title IX Coordinator with Title IX and MA Campus Sexual Violence Law compliance.

This position typically reports directly to the President or a senior cabinet member and may provide supervisory oversight to professional and non-professional staff.

Typical duties include:

- Serving as the University's central resource on issues related to sexual misconduct, sex-based discrimination and harassment, domestic and dating violence, stalking, and retaliation.
- Implementing and managing the University's prohibitions against sex-based discrimination.
- Monitor the University's education program or activity for barriers to reporting information about conduct that reasonably may constitute sex discrimination and take steps reasonably calculated to address such barriers

- Ensuring that community members know their options and resources concerning the reporting of sexual misconduct, sex -based discrimination and harassment, domestic and dating violence, stalking and retaliation.
- Coordinating the training of students and employees, within 45 days of their matriculation or employment: (i) mandatory sexual misconduct primary prevention programming as enumerated in MA law; and (ii) information on opportunities for ongoing sexual misconduct prevention and awareness campaigns and programming.
- Evaluating and implementing of requests for accommodations or supportive measures.
- Overseeing the receipt, investigation, and resolution of complaints of sexual misconduct, sex-based discrimination and harassment, domestic and dating violence, stalking, and retaliation by employees, students, and others protected under state/federal laws/regulations and/or the University EO Plan. Where appropriate, conducting complaint investigations.
- Maintaining investigation files; maintaining a University-wide reporting system for complaints and investigation findings, and identifying patterns, and making recommendations.
- Developing and implementing long-term goals for programming, services, education and assessment of Title IX compliance efforts, including but not limited to sexual misconduct, sex-based discrimination and harassment, domestic and dating violence, stalking and retaliation.
- Providing leadership for University-wide initiatives to increase gender equity on campus.
- Overseeing education, training, and outreach programming concerning awareness and prevention of sexual misconduct, sex-based discrimination and harassment, domestic and dating violence, stalking and retaliation.
- Providing or recommending training to Deputy Title IX Coordinators, complaint Mediators and Administrative Investigators, and other campus officials with Title IX responsibilities.
- Maintaining current knowledge of the laws, policies, procedures and best practices with regard to sexual misconduct, sex-based discrimination and harassment, domestic and dating violence, stalking and retaliation; attending trainings, workshops, and conferences to augment knowledge. Acting as the University's representative when attending conferences and communicating with government compliance or investigation officers, and processing inquiries from third parties.

Typical experience, knowledge, and credentials that prepare someone for this role may include:

- Master's Degree and/or Juris Doctor degree
- Demonstrated knowledge of and ability to interpret federal and state discrimination, harassment and equal opportunity laws, including Title IX, Title VII, VAWA, and Clery.
- Exceptional communication, organizational and interpersonal skills.
- Demonstrated ability to maintain a high level of collegiality with different campus constituencies.
- Experience with sexual misconduct prevention programming and training.
- Experience designing and implementing training for different campus constituencies.
- Experience with reporting software and databases.
- Prior experience conducting Title IX investigations in higher education.
- Experience participating in administrative hearings and proceedings.
- Experience with and understanding of mental health/counseling issues in higher education.

This description of primary responsibilities is illustrative and not necessarily exhaustive.

Appendix 3: Primary Responsibilities - Equal Opportunity/Title IX Investigator

The EO/Title IX Investigator is responsible for investigating alleged incidents of discrimination, harassment, and retaliation, as defined in the University's Equal Opportunity, Nondiscrimination, and Title IX Plan ("EO Plan"). The Investigator is responsible for gathering, preserving, and analyzing evidence/information to inform the outcome of the investigation and recommended corrective action and/or resolution. This position typically reports to the EO Officer or the Title IX Coordinator and may provide supervisory oversight to assigned professional and non-professional staff.

Typical duties include:

- Conduct investigations of complaints of discrimination, harassment, retaliation in a timely, equitable, impartial, and thorough manner.
- Prepare comprehensive investigation reports, including factual findings and analysis.
- Serve as the contact for all parties to an investigation and manage communications regarding the investigation process.
- Assist the EO Officer and/or Title IX Coordinator in the evaluation and implementation of requests for accommodations or supportive measures.
- Assist the EO Officer and/or Title IX Coordinator in the development of training programs for faculty, staff and students on equal opportunity, discrimination, harassment, retaliation, Title IX, and other related topics.
- Provide information to the campus community regarding the EO Plan and the Complaint Investigation and Resolution Procedures.
- Remain abreast of University, state, and federal policies, statutes, regulations and guidance documents in the areas of discrimination, harassment, and retaliation.
- Participate in professional forums, conferences, training, and/or seminars. Continuously identify and integrate best practices in the equal opportunity investigation field into knowledge base and practice.
- Identify systemic problems in the investigation process and make recommendations to the EO Officer and/or Title IX Coordinator concerning appropriate changes to the EO Plan and/or the Complaint Investigation and Resolution Procedures.

Typical experience, knowledge, and credentials that prepare someone for this role may include: Bachelor's or Master's degrees in psychology, counseling, social work, and criminal justice, or Juris Doctor; or combination of relevant education and experience.

- Experience investigating complaints and/or grievance investigation and resolution.
- Knowledge of state and federal laws regarding discrimination, harassment, retaliation and equal opportunity.
- Exceptional communication and organizational skills.
- Demonstrated ability and to project neutrality and to appropriately handle confidential and sensitive information.
- Demonstrated ability to maintain a high level of collegiality with different campus constituencies. Experience in higher education.

- Experience and training in HR, student conduct, civil rights and/or diversity programming.
- Knowledge and understanding of equal opportunity laws and regulations

This description of primary responsibilities is illustrative and not necessarily exhaustive.

Appendix 4: Resources for Sex-Based Harassment

The safety, health, and well-being of the campus community is of paramount importance. Any person who experiences any form of sexual assault, sexual harassment, domestic violence, dating violence, stalking, or retaliation, or similar harmful behaviors regardless of whether they are expressly prohibited by policy, is strongly urged to speak with someone to get the support they need, no matter when or where the incident occurred. For information on the location, phone numbers, hours, and services provided for the campus and community resources listed below, please contact the Title IX Coordinator or Deputy Title IX Coordinator, the EO Officer, Human Resources, Student Life or Student Conduct, Residence Life, Health Services, the Counseling Center and/or Campus Police/Public Safety.

Immediate Needs

Assuring One's Safety

If an incident occurs, the Universities encourage one to report the incident and seek both police and medical assistance. Seeking police or medical assistance does not obligate one to make a complaint or take any further action, but the decision to seek medical help and gather evidence allows one to preserve the full range of available options. The Universities will assist any community member to get to a safe place, provide transportation for medical help and if requested, contact law enforcement. For help at any time, contact Campus Police/Public Safety or, during regular University business hours, contact the Title IX Coordinator.

Preserving Evidence

Any person who has experienced sexual violence is encouraged to take steps to preserve evidence of the incident, as doing so may be necessary to prove that a crime occurred, or to obtain a protection

order from the court. After an incident occurs, one should try to refrain from bathing, showering, brushing teeth, drinking, eating, douching or changing clothes until the evidence can be collected. If one changes clothes, one should place each garment in a separate paper (not plastic) bag. If the incident involves any written or electronic communications (e.g., pictures/videos, texts, social media posts, etc.), care should be taken to preserve copies and not delete the original communication.

Confidential Medical Attention

Medical attention is strongly encouraged to treat any possible injuries, including internal injuries, or infections. Please note that there are some medical actions that are more effective if taken within a few days after an offense, such as preventative treatment for pregnancy and sexually transmitted infections, evidence collection, and toxicology testing if there are signs that drugs or alcohol facilitated the offense. One may generally discuss the incident with licensed medical personnel confidentially.

Confidential Medical Resources on Campus

Students may access the services of the Student Health Center on a confidential basis. Employees may seek confidential counseling and referral services from the Employee Assistance Program (“EAP”).

Confidential Community Medical Resources

Sexual Assault Nurse Examiners (SANEs) are specially trained, certified professionals skilled in performing quality forensic medical-legal exams. One may find more information about SANE services and where to obtain them here: <https://www.mass.gov/ma-sexual-assault-nurse-examiner-sane-program>.

Confidential Counseling and Support

Generally, one may discuss the incident with a licensed mental health counselor or a counselor recognized by a religious order or denomination on a confidential basis. These counselors are good options if one wishes to discuss one’s situation with someone who can keep information about an incident as confidential as possible while assisting in determining next steps, such as obtaining further counseling, seeking medical attention, preserving evidence, and/or reporting to University or law enforcement authorities then or at a later time.

Confidential Counseling and Support Resources on Campus

Students may access Counseling Services on a confidential basis. Employees may seek the confidential services of the EAP. All community members may access the confidential services of religious/pastoral counselors on campus, if any.

Community Counseling and Support Resources

Many off-campus counseling resources are available. These service providers are not required to report any information to the University and will generally maintain one's confidentiality.

National and State Organizations

- The National Stalking Resource Center:
<https://victimsofcrime.org/stalking-resource-center/>
- Stalking, Prevention, Awareness, and Resource Center (SPARC):
<https://www.stalkingawareness.org/>
- National Sexual Assault Hotline: 800-656-4673 (24 hour)
<https://www.rainn.org/about-national-sexual-assault-telephone-hotline>
- RAINN [Rape Abuse & Incest National Network]: 800-656-4673 (Hotline) www.rainn.org (On-Line Live Chat)
- Safe link MA Hotline: 877.785.2020 (24/7)
- MA Spanish Language Rape Crisis Center Hotline (Llamanos): 800-223-5001 (Hotline)
- National Domestic Violence Hotline: 800-799-7233 (24 hour)
- Healing Abuse Working for Change (HAWC): 800.547.1649 (24/7)
- Victim Rights Law Center: 115 Broad Street, 3rd Floor Boston, MA 02110
Phone: 617-399-6720 (legal services for victims of sexual assault)
<https://www.victimrights.org/>
- Crisis Text Line for People of Color: Text STEVE to 741741
- The Trevor Project (LGBTQ Suicide Hotline): 866-488-7386
- Trans Lifeline: 877-565-8860
- Our Deaf Survivors Center: VP 978-451-7225, Text 978-473-2678
- Male Survivor: <https://malesurvivor.org>
- National Suicide Prevention Lifeline: 800-273-8255 (Hotline)

Massachusetts Office for Victim Assistance (MOVA)

MOVA upholds and advances the rights of crime victims and witnesses by providing outreach and education, policy advocacy, policy and program development, legislative advocacy, grants management, and service referrals.

Sexual Assault and Rape Services

MOVA supports free services throughout Massachusetts to help victims and survivors of sexual assault and rape. These services provide a range of options to support an individual's specific needs, including:

- 24/7 hotline counseling, information, and referral;
- will go with victims to hospitals and/or police stations 24/7;
- will go with a victim to court;
- provide one-to-one counseling and support group counseling; and
- provide primary prevention education, professional training and outreach.

<https://www.mass.gov/sexual-assault-and-rape-services>

Greater Boston Area Boston Area

- Rape Crisis Center, Cambridge (BARCC): 800-841-8371 (24-hour hotline) 617-492-6434 TTY <https://barcc.org/>

Northeastern Massachusetts

- YWCA North Shore Rape Crisis Center, Lynn/Lawrence/Haverhill: 877-509-YWCA (9922), Spanish: 800-223-5001
- Center for Hope and Healing, Lowell: 800-542-5212 Hotline, 978-452-8723 TTY

Central Massachusetts

- Pathways for Change, Inc., Worcester: 800-870-5905 Hotline, 888-877-7130
- Pathways for Change, Inc., Fitchburg: 800-870-5905
- Wayside Trauma Intervention Services, Milford: 800-511-5070 Hotline, 508-478-4205 TTY
- Voices Against Violence, Framingham: 800-593-1125 Support line, 508-626-8686 TTY

Southeastern Massachusetts

- A Safe Place, Nantucket: 508-228-2111 Hotline, 508-228-7095 TTY
- Cape Cod Shelter & Domestic Violence Services (508) 564-7233
- Independence House, Hyannis: (508) 771-6702 or Hotline 800-439-6507
- Independence House, Falmouth: (508) 548-0533 or Hotline 800-439-6507
- Martha's Vineyard Community Services, Oak Bluffs: (508) 693-0032 Hotline or (774) 549-9659 TTY

- The Women's Center, Greater New Bedford: Hotline (508)999-6636 or (508) 996-1177 TTY
- The Women's Center, Fall River: Hotline (508) 996-3343 or (508) 996-1177 TTY
- New Hope, Attleboro: 800-323-4673 Hotline/TTY
- The Women's Center, Fall River: 508-672-1222 Hotline, 508-999-6636; TTY 508-996- 1177
- A New Day, Brockton: 508-588-8255 Hotline, 508-588-8255 or toll free at 888-293-7273

Western Massachusetts

- Elizabeth Freeman Center, Pittsfield: 866-401-2425 Hotline, 413-499-2425 TTY Center for Women and Community, Amherst: 413-545-0800 Hotline, 413-577-0940 TTY
- NELCWIT, Greenfield: 413-772-0806 Hotline; 413-772-0815 TTY
- YWCA of Western Mass, Springfield: 800-796-8711 (24/7) Hotline and TTY; 800-223-5001 Spanish
- YWCA of Western Mass, Westfield: 800-796-8711 (24/7) Hotline and TTY

Domestic Violence Services

MOVA supports free services throughout Massachusetts to help victims and survivors of domestic violence. These services provide a range of options to support an individual's specific needs.

<https://www.mass.gov/domestic-violence-services>

Private Non-Confidential Campus Resources

The Universities offer a variety of resources to those community members who have experienced or been affected by sexual harassment, sexual assault, domestic violence, dating violence, stalking, and retaliation. Most employees and other resources at the University are not confidential. While the following resources are not bound by confidentiality, they will seek to keep information as private as possible and will only share information within the limited group of University personnel necessary to address the issues of prohibited conduct presented.

- Title IX Coordinator (and any Deputies)
- EO Officer
- Campus Police/Public Safety
- Human Resources

- Housing/Residence Life
- Student Life/Student Affairs
- Student Conduct
- Disability Services

Appendix 5: Written Notification of Rights for Complainants and Respondents of Sex-Based Harassment

Parties, that is, complainants or respondents, to claims of sex-based harassment are notified of the following rights to:

- a prompt, thorough, and equitable investigation and resolution of a complaint;
- the confidentiality of the investigation process to the extent possible (reference to confidentiality section);
- referrals to confidential assistance and support services from both on- and off-campus resources, including 24-hour services;
- know, in advance, the names of all persons known to be involved;
- request that the University impose no contact/no communication orders or other supportive measures;
- an advisor of their choice who can be present at any time during the complaint resolution proceedings. Pursuant to Weingarten, Respondent unit members may exercise their right to a union representative or other University employee at meetings which the unit member reasonably believes may result in discipline, who will serve as the advisor of choice;
- reasonable accommodations for a documented disability during the process;
- be present at certain meetings and inspect, review, and respond to evidence;
- present relevant and not otherwise impermissible evidence;
- provide witnesses;
- submit questions to be asked of parties and witnesses;
- not have irrelevant sexual history discussed;
- know the status of the case at any point during the investigation and resolution process;
- receive a determination of responsibility at the conclusion of the investigation and resolution process;
- be informed of the outcome of the process in a timely manner;
- an appeal from the outcome of the process (if proper grounds for appeal exist);
- be free from any behavior that may be construed by the University to be intimidating, harassing, or retaliatory; and

- have the matter handled in accordance with University policy.

Furthermore, complainants are advised of the following rights to:

- an explanation of the options available;
- choose whether or not to make a formal complaint, which would initiate a formal investigation, unless the University deems it necessary to investigate to protect the safety of the community or in compliance with applicable law;
- file a police report and/or take legal action separate from and/or in addition to the University discipline process;
- not file a complaint or seek assistance from local law enforcement, but receive supportive measures from the University;
- be assisted by the University in seeking assistance from or filing a complaint with local law enforcement;
- a change in on-campus residence and/or an adjustment to their academic schedule if such changes are reasonably available;
- seek and enforce a harassment prevention order, restraining, or similar protective court order; and
- inform the University that a protective order has been issued under federal or state law and be informed of the University's responsibilities upon receipt of such notice.

And respondents are advised of the following rights to:

- receive a copy of the complaint filed against them;
- an explanation of the allegation(s) against them; and
- be presumed not in violation of University Policy until such time a determination is made at the conclusion of the investigation and resolution process.

FEDERAL DRUG FREE SCHOOLS AND COMMUNITIES ACT

Purpose

The use of illicit drugs and alcohol at Westfield State University, on University property, or at University activities impairs the safety and health of students and employees, inhibits the personal growth of students, lowers the productivity and quality of work performed by employees and undermines the public's confidence in the University. Only in an environment free of substance abuse can Westfield State University fulfill its mission of developing the professional, social, cultural, and intellectual potential of each member of this community.

The Higher Education Amendments of 1998 require that as a condition of receiving funds or any form of financial assistance under any Federal program, an institution of Higher Education... must certify that it has adopted and implemented a program to prevent the unlawful possession, use, or distribution of illicit drugs or alcohol by students and employees.

The information that follows outlines the standards of conduct that clearly prohibit the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees on University property or as any part of University activities, and describes the applicable legal sanctions, associated health risks and support programs and services available to employees and students.

All members of this community - faculty, staff, and students - are urged to carefully and seriously reflect on their personal responsibility to remain drug-free, and further, to demonstrate care and concern for others through timely intervention, support, and referral.

Alcohol

A. Alcohol's Effects on the Body

Drinking too much - on a single occasion or over time - can take a serious toll on your health. Here's how alcohol can affect your body:

Brain: Alcohol interferes with the brain's communication pathways, and can affect the way the brain looks and works. These disruptions can change mood and behavior, and make it harder to think clearly and move with coordination.

Heart: Drinking a lot over a long time or too much on a single occasion can damage the heart, causing problems including: 1) Cardiomyopathy - Stretching and drooping of the heart muscle; 2) Arrhythmias - Irregular heartbeat; 3) Stroke; 4) High blood pressure.

Research also shows that drinking moderate amounts of alcohol may protect healthy adults from developing coronary heart disease.

Liver: Heavy drinking takes a toll on the liver, and can lead to a variety of problems and liver inflammations including: 1) Steatosis, or fatty liver; 2) Alcoholic hepatitis; 3) Fibrosis; 4) Cirrhosis

Pancreas: Alcohol causes the pancreas to produce toxic substances that can eventually lead to pancreatitis, a dangerous inflammation and swelling of the blood vessels in the pancreas that prevents proper digestion.

Cancer: Drinking too much alcohol can increase your risk of developing certain cancers, including cancers of the: 1) Mouth; 2) Esophagus; 3) Throat; 4) Liver; 5) Breast

Immune System: Drinking too much can weaken your immune system, making your body a much easier target for disease. Chronic drinkers are more liable to contract diseases like pneumonia and tuberculosis than people who do not drink too much. Drinking a lot on a single occasion slows your body's ability to ward off infections - even up to 24 hours after getting drunk.

ALCOHOL EQUIVALENCIES = 1 Standard Drink			
12 oz. of Regular Beer =	8-9 oz. of Malt Liquor =	5 oz. of Table Wine =	1.5 oz. shot of Distilled Spirits (Gin, Rum, Tequila, Vodka, Whiskey)
About 5% alcohol	About 7% alcohol	About 12% alcohol	About 40% alcohol

Excessive drinking - includes binge drinking, heavy drinking, and any drinking by pregnant women or people younger than age 21.

Binge drinking, the most common form of excessive drinking, is defined as consuming: 4 or more drinks during a single occasion for women; 5 or more drinks during a single occasion for men.

Heavy drinking is defined as consuming: 8 or more drinks per week for women; 15 or more drinks per week for men. Most people who drink excessively are not alcoholics or alcohol dependent.

Moderate drinking - The Dietary Guidelines for Americans defines moderate drinking as up to 1 drink per day for women and up to 2 drinks per day for men. In addition, the Dietary Guidelines do not recommend that individuals who do not drink alcohol start drinking for any reason. However, there are some people who should not drink any alcohol, including those who are: 1) Younger than age 21; 2) Pregnant or may be pregnant; 3) Driving, planning to drive, or participating in other activities requiring skill, coordination, and alertness; 4) Taking certain prescription or over-the-counter medications that can interact with alcohol; 5) Suffering from certain medical conditions; 6) Recovering from alcoholism or are unable to control the amount they drink.

Short-Term Health Risks: Excessive alcohol use has immediate effects that increase the risk of many harmful health conditions. These are most often the result of binge drinking and include the following:

- Injuries, such as motor vehicle crashes, falls, drownings, and burns;
- Violence, including homicide, suicide, sexual assault, and intimate partner violence;
- Alcohol poisoning, a medical emergency that results from high blood alcohol levels;
- Risky sexual behaviors, including unprotected sex or sex with multiple partners. These behaviors can result in unintended pregnancy or sexually transmitted diseases, including HIV;
- Miscarriage and stillbirth or fetal alcohol spectrum disorders (FASDs) among pregnant women.

Long-Term Health Risks: Over time, excessive alcohol use can lead to the development of chronic diseases and other serious problems including:

- High blood pressure, heart disease, stroke, liver disease, and digestive problems;
- Cancer of the breast, mouth, throat, esophagus, liver, and colon;
- Learning and memory problems, including dementia and poor school performance;
- Mental health problems, including depression and anxiety;
- Social problems, including lost productivity, family problems, and unemployment;
- Alcohol dependence, or alcoholism.

By not drinking too much, you can reduce the risk of these short- and long-term health risks.

B. Blood Alcohol Concentration (BAC)

Blood Alcohol Concentration (BAC) refers to the amount of alcohol in an individual's bloodstream. A person's size, gender, weight, fat content, and amount of food in the stomach will affect the absorption of alcohol in the bloodstream. The liver is primarily responsible for alcohol leaving the bloodstream. The liver filters about one drink per hour out of the bloodstream.

Remember just one drink can impair your skills and judgment. It is risky to operate any machinery or engage in any activity that requires concentration and alertness after drinking any amount of alcohol. The following chart can help you estimate Blood Alcohol Concentration.

BAC	# of Drinks	Behavior
.02%	under 1 drink	LEGALLY INTOXICATED IN MASSACHUSETTS (Under 21 years of age old)
.03%	1 drink	No overt effects Slight feeling of muscle relaxation Slight mood elevation Under 21 drivers may have license suspended Usually a feeling of well-being Feeling of muscle relaxation Judgment impaired Coordination & level of alertness lowered Slight decrease in reaction time Increased risk of collision while driving
.05%	1-2 drinks	Usually a feeling of well-being Feeling of muscle relaxation Judgment impaired Coordination & level of alertness lowered Slight decrease in reaction time Increased risk of collision while driving
.08%	2-4 drinks	LEGALLY INTOXICATED IN MASSACHUSETTS (Over 21 years old)
.10%	3-5 drinks	Coordination & balance becoming difficult Reaction time significantly slowed Muscle control and speech impaired Limited night vision & side vision Loss of self-control Crash risk greatly increased
.14-.15%	5-7 drinks	Major impairment of mental & physical control Slurred speech Blurred vision Lack of motor skills Consistent and major decrease in reaction time
.20%	7-10 drinks	Loss of equilibrium & technical skills Must have assistance in moving about Mental confusion Double vision & legal blindness 20/200 Unfit to drive for up to 10 hours

BAC	# of Drinks	Behavior
.25-.30%	10-14 drinks	Staggering & severe motor disturbances Severe intoxication Not aware of surroundings Minimum conscious control of mind and body
.40%	10-14 drinks	Unconsciousness- threshold of coma/lethal dosage for 50% of individuals
.50%	14-20 drinks	Deep coma
.60%	18-20 drinks	Death from respiratory failure

C. City of Westfield Ordinances About Alcohol

1. Consumption of Alcohol in Public Spaces and Public Urination

The City of Westfield prohibits the consumption by anyone of alcohol on any playground, park, school, sidewalk, way, or any other city property and also prohibits the possession of alcohol by anyone under 21 years old in these same places. (Sections 10-23, 11-68, and 10-24 City of Westfield Ordinances).

- City of Westfield also prohibits urination in public places and places visible to the public or where the public has access. (§10-25 City of Westfield Ordinances).
- A fine of up to \$300 may be imposed for violation of § 10-23 (open container or consumption of alcohol in a public place). Violations of sections 10-24 (minor in possession of alcohol) and 11-68 (consumption of alcohol in public parks) carry fines of \$100 (§1-9 City of Westfield Ordinances).

2. Nuisance House - The city of Westfield has enacted this ordinance to reduce/eliminate loud and/or out of control parties that disturb others around them. The ordinance provides incentive to landlords to evict tenants, who violate this ordinance. Penalties include a \$300 fine plus response costs of fire and police to the scene. Two key pieces of information from this ordinance are listed below (§10-28 City of Westfield Ordinances):

- It is the duty of any person having control of any premises who knowingly hosts, permits or allows a gathering at said premises to take all reasonable steps to prevent the consumption of alcoholic beverages by any underage person at the gathering. Reasonable

steps include but are not limited to, controlling access to alcoholic beverages at the gathering; controlling the quantity of alcoholic beverages at the gathering, verifying the age of persons attending the gathering by inspecting a government-issued license or identification card; and supervising the activities of underage persons at the gathering.

- **Public nuisance.** A gathering of persons on any premises in a manner that constitutes a violation of law or creates a substantial disturbance of the quiet enjoyment of private or public property in a neighborhood. Unlawful conduct includes but is not limited to, excessive noise, excessive pedestrian and vehicular traffic, obstruction of public streets by crowds or vehicles, illegal parking, public urination, furnishing of an alcoholic beverage to a minor, fights, disturbances of the peace, litter and allowing an unsafe number of persons at the premises and exceeding the safe capacity of the premises.

D. Driving Under the Influence (of alcohol, marijuana, narcotics, depressants, stimulants or glue vapors) (DUI) in Massachusetts

Breathalyzer Test and License Suspension†	
Situation	License Suspension
Over 18 years old and refuses test; 18-21 years old and blows a .02 or fails to complete a prescribed treatment program	180 days to Life
Under 18 years old and refuses test or consents to test and blows a .02 or fails to complete a prescribed treatment program; or is over 21 years old with a previous conviction and refuses test	3 years
Over 21 years old with 2 or more previous convictions and refuses test	5 years

†Information obtained from M.G.L.A. c.90 §24, 24P.

†Massachusetts law provides that by driving on a public road, a driver has implicitly consented to a chemical analysis of their breath or blood, which is why you can be penalized for refusing the test without ever being convicted of drunk driving.

Conviction†		
Conviction	Penalty	
First Offense	Fine:	\$500-\$5,000
	Incarceration:	Maximum 2.5 years
	License Suspension:	90 days-1 year (Under 18, 180 days)
Second Offense	Fine:	\$600-\$10,000
	Incarceration:	Minimum 30 days; up to 2.5 years
	License Suspension:	1 year-2 years (Under 18, 1 year)
Third Offense	Fine:	\$1,000-\$15,000
	Incarceration:	Minimum 150 days; up to 5 years
	License Suspension:	2-8 years
Fourth Offense	Fine:	\$1,500-\$25,000
	Incarceration:	Minimum 1 year; up to 5 years
	License Suspension:	5-10 years
Fifth Offense	Fine:	\$2,000-\$50,000
	Incarceration:	Minimum 2 years; up to 5 years
	License Suspension:	Life

- In addition to the above penalties for a conviction, one who is convicted, placed on probation, or is granted a continuance without a finding or otherwise pleads guilty to facts sufficient to convict for driving under the influence may also be assessed up to a \$250 fee and a mandatory \$50 fee. M.G.L.A. c.90 §24.
- Once convicted you may also be ordered to participate in a driver education program, drug treatment program, drug rehabilitation program, or any combination of the three. Costs for these programs may also be your responsibility. M.G.L.A. c.90 §24. **If a BAC of .20 or greater is admitted into evidence**, the offender is subject to mandatory inpatient treatment and a mandatory outpatient evaluation (and for the costs of both). M.G.L.A. c. 90 §24Q.
- After being convicted of a DUI you will be required to install and maintain an “ignition interlock device” on any vehicle you drive for a duration of two years after you regain any privilege to drive. Your privilege to drive can be revoked through an administrative Registry hearing up to life if you: disconnect the device; fail to maintain it or have it inspected or monitored; or if the device records a BAC above .02. M.G.L.A. c. 90 § 24 1/2.
- If you let someone drive a vehicle under your control that is not equipped with an ignition interlock device and you know that such person has an ignition interlock device restricted license, you will be subject to one year in jail and/or a fine of up to \$500 for a first offense; up to 2 1/2 years in jail and/or a fine of up to \$1,000 for a second offense. In addition, the Registrar of Motor Vehicles may suspend your vehicle registration or driver’s license for up to one year for a first or second offense. M.G.L.A. c. 90 §12.
- Tampering with an ignition interlock device can draw a jail sentence of six months to five years. M.G.L.A. c. 90 Section 24T. Breathing into an ignition interlock device for a person whose license is so restricted for the purpose of providing that person with an operable motor vehicle will be punished by a fine of \$1,000 to \$5,000 or by a jail sentence of 6 months to five years. M.G.L.A. c. 90 §24U.
- If your license has been suspended or revoked because of a DUI and you are convicted of operating a motor vehicle while your license has been suspended or revoked, you will be subject to a fine of \$2,500-\$10,000 and a mandatory jail term of at least one year and up to 2 1/2 years (no early release for good time served, furlough, probation or parole until at least one full year has been served). If charged with this offense, a court is not free to reduce these penalties or to continue your case without a finding. M.G.L.A. c. 90 §23.

E. Other Massachusetts Laws Pertaining to Alcohol

- Providing Alcohol to Persons Under 21 Years Old - Providing alcohol to persons under 21 years old is punishable by a fine of \$2,000, up to one year in prison, or both. (M.G.L.A. c. 138 §34)
- Persons Under 21 Years Old Purchasing or Procuring Alcohol - Persons Under 21 years old who purchase, attempt to purchase alcohol, make arrangements with another to purchase or procure alcohol, misrepresents his age, alters or falsifies his ID with intent to purchase alcohol shall be punished by a fine of \$300. A conviction of this crime will result in a driver's license suspension of 180 days. (M.G.L.A. c.138 §34A)
- Requirements of Persons in Licensed Alcohol Establishments - Persons in licensed alcohol establishments, upon request by an official, must state their correct name, age, and address or may be fined up to \$500. Persons making, carrying, using, or selling altered or forged identification, using the legitimate ID of another, or furnishing false information to obtain such identification may be punished by a fine of \$200 or incarceration for up to three months. (M.G.L.A. c. 138 §34B). Alternatively, if the Registrar of Motor Vehicles merely has a "reasonable belief" that someone has violated any of the above; your license can be suspended for up to six months.
- Altering or Forging a Driver's License - Whoever alters, forges, or steals a driver's license shall be punished by a fine of up to \$500 or by incarceration of up to five years. A conviction of this crime will result in a license suspension of one year. A more likely scenario is that your case will be referred to the Registry of Motor Vehicles for an administrative hearing at which your license can be suspended for up to six months if the hearing officer reasonably believes you are responsible. (M.G.L.A. c. 90 §24B)
- Minor in Possession of Alcohol - Any person under 21 years of age who knowingly possesses, carries, or transports alcohol shall be punished by a fine of \$50 for a first offense and \$150 for any subsequent offense. A conviction of this crime will result in a driver's license suspension of 90 days. (M.G.L.A. c. 138 §34C)
- Transport of Alcohol - Whoever knowingly transports more than a personal limit of 20 gallons of malt beverages, or 3 gallons of any other alcoholic beverage, or 1 gallon of alcohol or its equivalent shall be punished by a fine of up to \$2,500, or up to 6 months incarceration or both. (M.G.L.A. c. 138 §22)
- Open Containers in Motor Vehicles - Whoever possesses an open container of alcohol in the passenger area of any motor vehicle shall be fined \$100 to \$500. (M.G.L.A. c. 90 §241)

F. Federal Alcohol Laws

Manufacture or Import of Alcohol - It is unlawful to manufacture, produce, or import intoxicating liquors without a permit. Violators will be fined up to \$1,000 for each offense. 27 U.S.C.A. §§203, 207.

Other Drugs

A. Health Risks

- Tobacco and E-Cigarettes - Tobacco use is the leading preventable cause of disease, disability, and death in the United States -about 1 in every 5 U.S. deaths-and an additional 16 million people suffer with a serious illness caused by smoking. In fact, for every one person who dies from smoking, about 30 more suffer from at least one serious tobacco-related illness. Almost 41,000 nonsmokers die from diseases caused by secondhand smoke exposure. Although they do not produce tobacco smoke, e-cigarettes still contain nicotine and other potentially harmful chemicals. Nicotine is a highly addictive drug, and recent research suggests nicotine exposure may also prime the brain to become addicted to other substances. Also, testing of some e-cigarette products found the vapor to contain known carcinogens and toxic chemicals (such as formaldehyde and acetaldehyde), as well as potentially toxic metal nanoparticles from the vaporizing mechanism. The health consequences of repeated exposure to these chemicals are not yet clear. Another worry is the refillable cartridges used by some e-cigarettes. Users may expose themselves to potentially toxic levels of nicotine when refilling them. Cartridges could also be filled with substances other than nicotine, thus possibly serving as a new and potentially dangerous way to deliver other drugs
- Marijuana - Marijuana is psychologically and physiologically addictive, contains four times as much cancer-causing tar as one cigarette, and is four to twenty times stronger than the marijuana from the 1960's. Marijuana contains 426 known chemicals in its smoke and has been linked to lung disease, cancer, genetic damage, lowered immunity, and impaired physical and psychological development. Important discoveries in recent years include marijuana's ability to exacerbate existing mental health problems and marijuana's ability to significantly lower IQ with continued and regular use. Compared to nonusers, heavy marijuana users more often report the following: lower life satisfaction; poorer mental health; poorer physical health; more relationship problems. Users also report less academic and career success. For example, marijuana use is linked to a higher likelihood of dropping out of school. It is also linked to more job absences, accidents, and injuries.

- Steroids - Steroids are used by some athletes to increase their body's performance. Although performance is temporarily increased, the side effects are very harmful to the body. Long-term effects include heart, liver, and kidney trouble, high blood pressure, diabetes, poor healing after an injury, muscle and tendon tears, and psychological problems with aggression and depression. Short-term effects include impotence, balding, acne, psychological problems, and decreased hormones. Steroids may temporarily enlarge the body muscle, but without constant use and exercise, the muscles will decrease quickly.
- Cocaine - Cocaine, a stimulant to the central nervous system, is a very addictive drug that has increased in use in the United States. The odorless, white powder from the coca plant comes in various forms. One of the most popular is crack, a cheaper form of the drug. Cocaine creates a high in the user, which causes alertness, excitement, talkativeness, overconfidence, and a lessened need for sleep. After the high, the "crash" occurs including depression, restlessness, anxiety, and impaired concentration. Repeated use of cocaine will lead to addiction and other complications, which may include heart failure, family, and financial problems.
- Heroin - Heroin is a derivative of the opium poppy. Like other opiates, heroin decreases heart rate and breathing. For this reason it is a dangerous mix with alcohol, which also decreases heart rate and breathing. When taken in excess, heroin can lower blood pressure to dangerous levels. The high produced by heroin has the effects of euphoria and pain numbing. When a user withdraws from heroin they may experience hypersensitivity to physical and emotional pain, and experience muscle cramping, and nausea. Heroin, like cocaine, is both physically and psychologically addictive. Heroin has appeared on the street in increasing purity, causing unsuspecting user to inadvertently overdose.
- Hallucinogens - Hallucinogens are a class of drugs that produce profound psychoactive effects, including profound alterations in sensation, mood, and consciousness that may involve senses of hearing, touch, smell, or taste, as well as visual experiences that depart from reality. Some hallucinogens include LSD, mescaline, mushrooms, PCP, and MDMA (Ecstasy). Some hallucinogens possess amphetamine or cocaine-like qualities and in addition to hallucinations, produce stimulant effects on the body. These hallucinogens can produce psychological problems that include confusion, depression, sleep problems, drug craving, severe anxiety, and paranoia. Psychotic episodes have been reported. Increased

heart rate, blood pressure, muscle tension, involuntary teeth clenching, nausea, blurred vision, rapid eye movement, sweating, and chills are some of the physical effects. The long-term effects of hallucinogens tend to be unpredictable. Users of hallucinogens build tolerance requiring that they take more of the drug to achieve the same effects. Some of the hallucinogens have been known to induce long-term or permanent psychosis. Risk of accidental injury or death is greatly increased with hallucinogen use.

- Prescription Drugs - Legal, easily obtainable, prescription drugs are often first abused drugs. Stimulants are the most commonly abused prescription drugs among college students. Similar to cocaine, these powerful stimulants such as Adderall and Ritalin are responsible for increased blood pressure and potential stroke and/or seizure. Painkillers are another class of abused prescription drugs. Some of the more potent painkillers or opiates include morphine and Oxycontin or Oxycodone. The effects of these drugs are similar to heroin. Tranquilizers and sedatives are both depressants that dull the central nervous system. Even in small amounts, these drugs slow reaction time, decrease eye-hand coordination and interfere with judgment. Alcohol greatly increases the effects and can cause a potentially dangerous overdose. Medical providers consider a person's medical condition and history prior to prescribing these drugs. People respond differently to prescription drugs. What is safe for one person may not be for another.

Drug Laws

B. Massachusetts Drug Laws

- Involving Minors in Drug Sale or Distribution - A person who knowingly causes, induces, or abets a person under the age of eighteen to distribute or dispense any controlled substance or to accept, deliver, or possess money used or intended for procurement, manufacture, distribution...of any controlled substance shall be punished by five (5) to fifteen (15) years in state prison and a fine of \$1,000 to \$100,000. Minimum five (5) years imprisonment is mandatory. (Refer to chapter 94C, section 32K of Massachusetts General Law.). Trafficking and sale to minors carry much stiffer penalties in terms of imprisonment and fines (Massachusetts General Law, chapter 94C, section 32E & F).

- Simple Possession - The penalties for possession of the substances outlined in Massachusetts General Law, chapter 94C, section 34 are punishable by one (1) year or less of imprisonment or by a fine of not more than \$1,000 or both. Possession of heroin is punishable by two (2) years or less in a house of correction or by a fine of not more than \$2,000 or both for the first offense. Possession of marijuana or a Class E substance is punishable by not more than six (6) months in a house of correction or a \$500 fine or both. Possession of all other controlled substances is punishable by up to one year incarceration or a fine of \$1,000 or both. M.G.L.A. c.94C Section 34.

Distribution or Trafficking in Illegal Substances

Drug Class*	Penalty
A	Incarceration in state prison for not more than ten (10) years or in a house of correction for not more than two and one half (2 1/2) years or a fine of \$1,000 - \$10,000 or both.
B	Same as Class A
C	Incarceration in state prison for not more than five (5) years or in a house of correction for not more than two and one half (2 1/2) years or a fine of \$500 - \$5,000 or both.
D	Incarceration in a house of correction for not more than two (2) years or a fine of \$500 - \$5,000 or both.
E	Incarceration in a house of correction for not more than nine (9) months or a fine of \$250 - \$2,500 or both.

*Refer to M.G.L.A. chapter 94C, section 31 for a description of drug classes. The exception is that special rules for distribution and trafficking have been crafted specifically for marijuana (see M.G.L.A. c. 94C, §32E)

- Marijuana (decriminalized, but still illegal for those under 21 years old) - Possession of less than one ounce of marijuana is now punishable in Massachusetts by a civil fine rather than a criminal penalty. Cities and towns may impose additional penalties for the public consumption of marijuana or THC. M.G.L.A. c. 94C Section 32L. Those 18 to 21 years of age when cited for possession of less than one ounce of marijuana must also complete a drug awareness program. M.G.L.A. c. 94C Section 32M.

C. Federal Drug Laws

- Federal Trafficking and Manufacturing Penalties - Federal penalties for possession with intent to manufacture, sell, dispense, or distribute a controlled substance including heroin, cocaine, PCP, LSD, Fentanyl, marijuana (in useable form or actual plants), methamphetamine are:

FIRST OFFENSE		SECOND OFFENSE	
Lower Amount*	Greater Amount*	Lower Amount*	Greater Amount*
5-40 Years	10 years to life	10 years to life	20 years to life
If death or serious injury occur: 20 years to life	If death or serious injury occur: 20 years to life	If death or serious injury occur: Not less than life	If death or serious injury occur: Not less than life
FINE: Individual - not more than \$5 million Other than individual- not more than \$25 million	FINE: Individual - not more than \$8 million Other than individual - not more than \$50 million	FINE: Individual - not more than \$10 million Other than individual- not more than \$50 million	FINE: Individual - not more than \$20 million Other than individual - not more than \$75 million

*Amounts vary by specific drug. See 21 U.S.C. §841 for exact amounts for each drug and full listing of drugs included in this statute. Penalties for attempt or conspiracy to traffic or manufacture are the same as above: See 21 U.S.C. §846.2.

- Distribution to Persons Under 21 Years Old - Anyone who is eighteen years old or older who distributes to anyone who is under twenty-one years old is subject to two times the first offense penalties listed above for a first offense; subject to three times the first offense penalties listed above for second or subsequent offenses. See 21 U.S.C. §859.
- Manufacture or Distribution Within 1,000 Feet of a School, College, Playground or Within 100 Feet of a Public or Private Youth Center, Public Swimming Pool, or Video Arcade Facility - Anyone who manufactures or distributes within 1,000 feet of a school, University, playground or within 100 feet of a public or private youth center, public swimming pool, or video arcade facility will be subject to two times the first offense penalties listed above for a first offense; subject to three times the first offense penalties listed above for a second or subsequent offense. 21 U.S.C. §860. Employing children to distribute near schools or playgrounds is subject to three times the first offense penalties listed above. See 21 U.S.C. §860.
- Prohibition on Internet Sales of Date Rape Drugs - Anyone who knowingly or intentionally sells date rape drugs (GHB, Ketamine, etc.) over the internet for an illegal sexual purpose shall be fined, imprisoned up to 20 years or both. 21 U.S.C. §841.
- Illegal Simple Possession of Pharmaceutical Drugs or Street Drugs - Anyone found in simple possession will be subject to up to one-year incarceration and \$1,000 fine for a first offense; up to two years incarceration and \$2,500 fine for a second offense; and up to three years incarceration and \$5,000 fine for a third or subsequent offense. NOTE: This statute also prohibits the purchase of more than 9 grams of ephedrine or pseudoephedrine (certain antihistamines) base within a 30-day period. See 21 U.S.C. §844.
- Maintaining a Drug Involved Premises - It is unlawful to open, rent, lease, use, maintain, manage, or own a place, whether temporarily or permanently, for the purpose of manufacturing, distributing or using controlled substances. Penalties for violation of this law are up to 20 years incarceration or a fine of up to \$500,000 or both; a fine of up to \$2,000,000 for a company, corporation, etc. One who violates this law may also be subject to civil penalties limited to the greater of \$250,000 or two times the gross receipts. See 21 U.S.C. §856.

- Denial of Federal Benefits for a Federal or State Charge of Possession of a Controlled Substance - Denial of federal benefits, such as student loans, grants, contracts, and professional and commercial licenses, will result from a conviction of possession of a controlled substance. Penalties: up to one year denial for first offense, up to five years denial for second and subsequent offenses. 21 U.S.C. §862; U.S.C.1091(r).

D. Local Drug Laws

Marijuana Use and Drug Paraphernalia Restrictions

- Prohibition of Marijuana in Certain Locations - No person shall consume display, nor cause odors to emit from, marijuana in any form nor any drug paraphernalia associated with same, within, into or visible from any street, sidewalk, way in which the general public is afforded access, nor on or in any city owned, operated, or leased buildings or lands. (§ 8-171 City of Westfield Ordinance)
- Regulation of Drug Paraphernalia - No appliance designed specifically for use in the application or administration of marijuana or other drugs which are controlled by Massachusetts General Laws, Chapter 94C, shall be displayed for sale to consumers or for other purposes, nor shall such appliances be sold or otherwise distributed without a license from the City Council, unless occurring within a properly permitted and registered facility pursuant to this article. (§ 8-172 City of Westfield Ordinance)
- Penalties for Violation of §§8-171 and 8-172 - Any person who violates this ordinance shall be subject to a fine of \$500.00 for the first violation, and \$1000.00 for a second violation and each subsequent violation that occurs within one year of any prior violation. Each instance or each calendar day of a violation shall constitute a separate offense. (§ 8-174(b) Westfield City Ordinance)

Programs of Prevention

A version of this document is distributed to every student and employee annually. In addition, all full-time fall-entering, freshmen day students are required to complete an online alcohol education course. The University has employed evidence-based prevention programs such as social norming and bystander intervention to promote safe and healthy use or abstinence. Students, who violate the University's Alcohol and Other Drug Policy may also be subject to attending an in-person Substance Education Class and/or an online alcohol course for those who have received Student Conduct Sanctions. Substance Abuse evaluations are available to full-time undergraduate students also on

campus at the Counseling Center. In addition to policy, sanctioning, and education, the University promotes physical wellness through its various facilities and programs. The University also encourages and promotes drug and alcohol-free events and programs to support non-users.

Resources for Help

On Campus Resources

Counseling Center

Lammers Annex, Westfield State University

413-572-5790

counseling@westfield.ma.edu

www.westfield.ma.edu/student-life/counseling-center

Instagram @ReachoutWSU

Marijuana Anonymous

Young People Marijuana Anonymous. Open to non-addicts.

Thursday 7pm - 8pm

Join Online - [baystatecs-org.zoom.us/j/88638763546??](https://baystatecs-org.zoom.us/j/88638763546??pwd=MIR3WWxoTElrZDZUUitMEE85cUJTdz09#success)

[pwd=MIR3WWxoTElrZDZUUitMEE85cUJTdz09#success](https://baystatecs-org.zoom.us/j/88638763546??pwd=MIR3WWxoTElrZDZUUitMEE85cUJTdz09#success)

Zoom Meeting ID: 886 3876 3546, Password 996218

Albert and Amelia Ferst Interfaith Center

Westfield State University

577 Western Ave, Westfield, MA 01085

Attendees can park in front of the Interfaith Center.

Off-Campus Resources

Outpatient Counseling Services

BHN Carson Center

77 Mill Street, Westfield MA 01085

413-568-6141

Center for Human Development

179 Northampton St, Easthampton, MA 01027

413-529-1764

<https://chd.org>

River Valley Counseling Center
303 Beech Street, Holyoke MA 01040
413-541-1234

Outpatient Addiction Management

SaVida Health

50 Union Street, West Springfield, MA
413-732-0040
svidahealth.com/listing/savida-health-west-springfield-ma/

Clean Slate

West Springfield, Springfield, Holyoke, Belchertown
833-505-4673
<https://www.cleanslatecenters.com/location/massachusetts>

In-Patient Detox and Stabilization

Swift River Addiction Campuses

151 South Street, Cummington, MA 01026
888-451-5895
<https://swiftriver.com/>

Adcare Hospital of Worcester Detox

107 Lincoln Street, Worcester, MA 01605
508-799-9000
<https://adcare.com/>

Other Resources

Massachusetts Substance use Helpline

1-800-327-5050

Alcoholics Anonymous Hotline

413-214-2111
(Español) 413-214-2855

Alanon

413-782-3406

You may also consult the back of your health insurance card for information on how to access mental health/substance abuse benefits and contact your insurer for an appropriate referral.

FREE SPEECH, DEMONSTRATION, PICKETING POLICY

PURPOSE

As an educational institution, Westfield State University supports the constitutional right of free speech. Exposure to a wide array of ideas, viewpoints, opinions, and creative expression as an integral part of a university education, preparing students for life in a diverse global society.

The rights of freedom of speech, expression, petition, and public assembly are basic and essential to an individual's intellectual and social development. At the same time, in light of the university's commitment to allowing students and members of the community access to all services, resources, and support, all activities, including expressive activities and speech, must be balanced in consideration of the university's educational mission.

Westfield State University supports the right of individuals to exercise free speech, including but not limited to political, symbolic, or artistic speech, provided only that such does not materially disrupt normal University activities, create a clear and present danger of the commission of unlawful acts, or infringe upon the rights of others.

Westfield State University recognizes the right of individuals to exercise all forms of constitutionally protected expressive activities (i.e. symbolic speech) and free speech without prior restraint or censorship. The university acknowledges that public discourse may include the discussion of controversial ideas, and the University will not limit public discourse based solely on its communicative content.

The University also recognizes the fact that any University sponsored organization, individual, or group may demonstrate on University property. Demonstrations must be carried out in such a way as not to inflict bodily injury; obstruct physical movement to, from, or within any place on the campus; or disruptive of any activity on campus. Such forms of demonstration may be (but are not limited to) distribution of literature, silent or symbolic protest, vocal dissent, and/or picketing without stakes, pipes, or similar devices. In the event any type of demonstration materially disrupts normal University activities, the

University will take appropriate action. All activities must be conducted in accordance with the reasonable and content-neutral time, place and manner restrictions set forth in this policy.

It shall not be inferred or implied that the University endorses the messages expressed in accordance with this policy.

POLICY

- Faculty, staff and/or students must notify and meet with the Dean of Students/designee at least 48 business hours in advance of any demonstration and or picketing activity.
- All students, faculty, and staff have a right to demonstrate on University property provided, however, that no such demonstration shall be permissible which for any reason of time, place, or type of behavior materially disrupts normal University activities, including, but not limited to class work, final exam periods, orientation sessions, designated University-wide quiet hour periods, the opening or closing of the campus, or other University business, or involves substantial disorder or invasion of the rights of others.
- Campus buildings are for University business. Any form of demonstration that interferes with normal University activities, including, but not limited to, business in office or classroom spaces, is a violation of this policy. Picketing is not permitted inside University buildings or within 15-20ft from the entrances of University buildings.
- Demonstrators are prohibited from blocking free entry to or free exit from buildings, interfering with free movement, or presenting obstacles to regular University activities. "Interfering with free movement" is defined as any physical denial or restriction of a person's ability to freely reach or leave a given geographical area, or harassment, which prevents them from normal movement. Obstacles include but are not limited to, physical devices, encampments, bodies, or signs that cause interference with free movement or sounds which prevent normal communication.
- Speech or demonstrations that qualify as solicitations to commit crimes; harassment, threats, defamation, perjury, blackmail or obscenities, including child pornography; true threats; fighting words; incitement of imminent violence or lawless action is not protected speech under this policy. These activities have a specific meaning and shall be interpreted in accordance with law.

- No person shall intentionally and substantially interfere with the freedom of speech or expression of another person on University property or at University-sponsored activities.
- All persons shall comply with the directions of University officials lawfully acting in the performance of their duties. University identification must be presented to a University Official upon request. Failure to cease any activity in violation of this policy or other University policies immediately following either written or oral notice by a University official shall also be a violation of this policy.
- Any violation of this policy will subject the violators to applicable actions as defined in the Student Handbook, Equal Opportunity, Diversity and Affirmative Action Plan, Title IX Sexual Harassment Policy, collective bargaining agreements, and/or Massachusetts General Laws.
- Recognized University organizations may sponsor a speaker or event, at the expense of the organization, under the University's usual event registration procedures. Such sponsorship does not necessarily imply that the views presented are endorsed by the organization or the University.
- All persons at an event or demonstration must respect the right to dissent. Dissenters, however, may not disrupt the rights of the speakers to speak and/or the audience to listen. Preventing speech from occurring by disruptive protest is prohibited.
- Persons or organizations responsible for a demonstration or other expressive event must remove all resulting structures, signs, and litter from the area at the end of the event. If this is not done, the persons or organizations responsible for the event will be held financially responsible for clean-up services.

REVIEW

This policy will be reviewed every three years, and revised as needed, by the Director of Public Safety and the Dean of Students.

HAZING LAW (MASSACHUSETTS GENERAL LAWS, CHAPTER 269)

Section 17

Whoever is a principal organizer or participant in the crime of hazing, as defined herein, shall be punished by a fine of not more than three thousand dollars or by imprisonment in a house of correction for not more than one year, or both such fine and imprisonment.

The term “hazing” as used in this section and in sections eighteen and nineteen, shall mean any conduct or method of initiation into any student organization, whether on public or private property, which willfully or recklessly endangers the physical or mental health of any student or other person. Such conduct shall include whipping, beating, branding, forced calisthenics, exposure to the weather, forced consumption of any food, liquor, beverage, drug, or other substance, or any other brutal treatment or forced physical activity which is likely to adversely affect the physical health or safety of any such student or other person, or which subjects such student or other person to extreme mental stress, including extended deprivation of sleep or rest or extended isolation.

Notwithstanding any other provisions of this section to the contrary, consent shall not be available as a defense to any prosecution under this action.

Section 18

Whoever knows that another person is the victim of hazing as defined in section seventeen and is at the scene of such crime shall, to the extent that such person can do so without danger or peril to themselves or others, report such crime to an appropriate law enforcement official as soon as reasonably practicable. Whoever fails to report such crime shall be punished by a fine of not more than one thousand dollars.

Section 19

Each institution of secondary education and each public and private institution of post-secondary education shall issue to every student group, student team, or student organization that is part of such institution or is recognized by the institution or permitted by the institution to use its name or facilities or is known by the institution to exist as an unaffiliated student group, student team or student organization, a copy of this section and sections seventeen and eighteen; provided, however, that an institution’s compliance with this section’s requirements that an institution issue copies of this section and sections seventeen and eighteen to unaffiliated student groups, teams or organizations shall not constitute evidence of the institution’s recognition or endorsement of said unaffiliated student groups, teams or organizations.

Each such group, team or organization shall distribute a copy of this section and sections seventeen and eighteen to each of its members, plebes, pledges or applicants for membership. It shall be the duty of each such group, team or organization, acting through its designated officer, to deliver annually, to the institution an attested acknowledgment stating that such group, team or organization has received a copy of this section and said sections seventeen and eighteen, that each of its members, plebes, pledges, or applicants has received a copy of section seventeen and eighteen, and that such group, team or organization understands and agrees to comply with the provisions of this section and sections seventeen and eighteen.

Each institution of secondary education and each public or private institution of post-secondary education shall, at least annually, before or at the start of enrollment, deliver to each person who enrolls as a full-time student in such institution a copy of this section and sections seventeen and eighteen.

Each institution of secondary education and each public or private institution of post-secondary education shall file, at least annually, a report with the Board of Higher Education and in the case of secondary institutions, the Executive Office of Education, certifying that such institution has complied with its responsibility to inform student groups, teams or organizations and to notify each full-time student enrolled by it of the provisions of this section and sections seventeen and eighteen and also certifying that said institution has adopted a disciplinary policy with regard to the organizers and participants of hazing, and that such policy has been set forth with appropriate emphasis in the student handbook or similar means of communicating the institution's policies to its students. The Board of Higher Education and, in the case of secondary institutions, the Executive Office of Education shall promulgate regulations governing the content and frequency of such reports, and shall forthwith report to the attorney general any such institution which fails to make such report.

HOUSING POLICY

PURPOSE

To describe the housing policies which apply to all Westfield State University ("University") residential students ("Residents") and their guests while present and living in any of the residence halls, suites, and University Apartment complexes owned by the University.

POLICY

A. Introduction

Residential Life promotes personal development and community engagement. Successful on-campus living requires all residents to be aware of the impact that their actions and choices have, not only on themselves but also on other residence hall community members. An important aspect of this process is understanding and abiding by University policies and state and federal laws.

Residents are responsible for what occurs in their assigned rooms, apartments and suites; and also for the collective well-being of their respective communities. Students who violate policies may face student conduct action, criminal prosecution, administrative room reassignment, loss of housing, service charges, and/or other disciplinary responses based on the nature and severity of the situation.

B. Alcohol and Other Drugs

All policies and regulations regarding the consumption and/or sale of alcoholic beverages on the University campus and its properties can be found in the "Alcohol and Other Drug Policy" section of the current Student Handbook. These policies and regulations shall be in strict conformity with the appropriate Massachusetts General Laws, and with the regulations of the License Commission of the city of Westfield. Common containers (i.e., kegs, party bowls, punch bowls, or other large containers) are not permitted within the residence halls. The University also prohibits smoking, tobacco, and cannabis use indoors on all University property. This policy extends to cigarettes, vaporizers, e-cigarettes, pipe tobacco, chewing tobacco, marijuana (cannabis), and any other products defined in the "Alcohol and Other Drug Policy" section of the current Student Handbook. The University reserves the right to initiate disciplinary procedures, up to and including removal from housing for any student found to be in violation of this policy.

C. Appliances and Electrical Devices

- Electrical appliances/devices permitted in resident rooms: blenders, clocks, coffee makers with auto shut-off, computers, fans, hair dryers/curlers/straightening tools with auto shut-off, humidifiers, irons with auto shut-off, air popcorn poppers, razors, radios/stereos, TVs. Appliances should be Energy Star-rated when available. Any appliance not being used in its intended manner may constitute a health and safety hazard and is subject to confiscation.

- Electrical appliances/devices prohibited in resident rooms:
 - Air conditioners
 - Candle/wax warmers
 - George Foreman grills
 - Sandwich makers
 - Microwaves (not provided by the University)
 - Air Fryers
 - Toasters
 - Toaster ovens or similar devices
 - Halogen lamps
 - Heat lamps, heaters
 - Hotplates
 - Hotpots
 - Other cooking devices.

To preserve a safe, healthy environment, Residential Life shall confiscate prohibited appliances. Non-approved appliances will be removed immediately upon discovery and stored by the University for two (2) business days in which students are allowed to request the retrieval of the item with the Residential Life Staff, and then transfer the appliance off of University property. After two (2) business days, the University will dispose of the confiscated item. Repeat violations will lead to sanctions up to and including a loss of housing.

Students living in the Apartment Complex, University Hall and New Hall residents may have one of each per apartment or suite in the kitchen area: "George Foreman Grill"/sandwich maker, microwave, air fryer and one toaster or toaster oven.

- The University provides Microfridge units (combination refrigerator/freezer/microwave oven) in each traditional hall bedroom. Since we do provide these units, we ask that students not bring additional mini-refrigerators into the halls unless there is a unique need for a private mini-refrigerator. Residents in traditional halls may not have additional microwave ovens beyond the Microfridge units provided by the University. Unapproved microwaves will be confiscated and disposed of in the trash after two (2) business days in which students are allowed to request the retrieval of the item with the Residential Life Staff to then remove from University property. Apartment Complex, University Hall and New Hall residents may have one microwave oven per unit in the kitchen area.

- For safety reasons, students must always be in their rooms when ANY cooking or other potentially hazardous device or appliance is in use.
- Since meal preparation in student bedrooms poses health and safety issues, approved appliances may be used within your room for snack preparation only. Use your hall's kitchen facilities for meal preparation.
- Extension cords must be UL-approved and at least 16 gauge. Students are prohibited from running cords under carpets, through ceiling grids, or over door frames. Never place large/heavy objects on top of cords, crimp cords, or overload outlets (more than two items plugged in at once). Use power strips with circuit breakers and do not plug power strips/extension cords into other power strips/extension cords.
- To promote energy conservation, the University strongly encourages the use of LED light bulbs wherever possible in student-supplied lamps and devices. Strip lights are strongly discouraged as they can pose both a fire hazard and can lead to excessive paint damage when removed.
- Be careful with laptop computers, as they can cause fires when left unattended sitting on a bed or other flammable materials. Whenever possible, set laptops on a hard surface when charging or in use.
- The University may require the removal of any item, at any time, or establish conditions for its continued presence and use, in the interest of preserving a healthy and safe environment.

Damage

- Residents are members of a large and interconnected community, and each person's actions have an impact on their neighbors and the University. Residents are expected to work with the Residential Life staff and with other residents to promote respect for our housing facilities and for all who live and work in them.
- The University will make students aware of conduct that is damaging to the community and inform students of damages and extraordinary cleaning charges. If excessive charges occur, students are notified of what has taken place and given the opportunity to take responsibility before other steps are taken.

- Residents of a building are financially responsible for loss, damage and vandalism which occurs during the academic year. Damages are classified as:
 - **Personal** – the resident’s room and all University furnishings and equipment present in these spaces. Apartment kitchens, living rooms and bathrooms are also considered personal space for billing purposes.
 - **Common Areas**– public areas such as hallways, floor lounges, bathrooms, stairwells, main lounges, lobbies, game rooms, courtyards, and grounds; and all University furnishings and equipment present in these spaces. Common area charges will apply to all residents.
- At check-in, each resident completes a detailed Room Condition Report (RCR) in their MyHousing portal to avoid billing concerns at check-out. The RCR will be reviewed at check-out by the Residential Life staff. Costs for Personal damages, missing items, and extraordinary cleaning will be billed to residents. Students should complete their RCR within 48 hours of check-in to avoid a \$50 improper check-in charge and possible personal damage charges. Students may be held responsible for prior damage if it is not noted on the RCR at the beginning of the year.
- Common area damages which cannot be attributed to specific persons will be apportioned among all hall residents at the end of each semester. Common area charges will be billed to residents at the end of the semester as needed.
- The Residential Life staff conducts personal damage inspections and assessments at the conclusion of each semester or at the time of a resident’s checkout during the term.
- Routine vs. extraordinary cleaning – Residence hall maintainers are responsible for daily cleaning of public areas, trash removal from designated areas, and routine minor repairs. They are not expected to clean extraordinary messes or individual student rooms. Where extraordinary cleaning is needed, the individual or building will be assessed a service charge along with overtime costs based on the nature of the incident.
- Repairs may be made immediately or deferred to a break period, depending on the nature and severity. Damage repair fees are applied to those repairs within one (1) week of assessment or at the conclusion of each term regardless of when this work is completed.

- Appeals of Personal damage charges may be submitted to housing@westfield.ma.edu, with the subject line: "ATTN: Damage Appeals." Residents should state the charge(s) being appealed and why. ONLY appeals submitted by the resident being charged within 30 days of the billing date will be considered. Common area charges may not be appealed, however students may review their hall's itemized common area charges by contacting the Department of Residential Life.
- Students responsible for repeated or significant damages, or extraordinary cleaning charges will face sanctions up to and including immediate loss of housing or University status in addition to restitution; biohazard issues related to bodily waste may lead to immediate loss of housing and restitution.
- Below is a partial, and not all-inclusive, list of some common cleaning and damage charges including parts and standard labor charges (all prices are subject to change, and may vary from hall to hall).

BATHROOM:

Sink 250.00
 Mirror 125.00
 Shower rod 75.00
 Shower curtain 25.00
 Shower door 150.00-200.00
 Soap dispenser 25.00
 Shower Seat 568.75
 Sanitary napkin box 45.00
 Toilet stall door 250.00-450.00
 Toilet paper holder 40.00
 Toilet unplug 100.00
 Toilet seat 75.00
 Toilet (tank only) 250.00
 Toilet replacement (wall hung) 165.00
 Toilet replacement (floor mount) 552.00
 Disassemble, take bowl off (unplug) 100.00

FURNITURE:

Barstool 210.00
 Bench 250.00
 Bunk bed (headboard, footboard, frame) 200.00

Chest of drawers 275.00
Coffee table 200.00
Desk chair 175.00
Desk chair seat or back 45.00
Desk 290.00
Desk bookcase 100.00
End table 175.00
Mattress 90.00 - 105.00 Recycle 45.00-150.00
Upholstered 3-seater 1000.00
Upholstered 2-seater 900.00
Upholstered 1-seater 600.00
Upholstered repair-minimum 100.00

DOORS/LOCKS/KEYS:

Door 600.00 - 1200.00
Door closer 450.00
Door handle-replace (set) 200.00
Door lock-(complete replacement) 450.00
Door refinish 50.00-100.00
Lock core change:
Single 120.00
Double 130.00
Triple 140.00
Quad 150.00
Apartment/Suite front door lock/key 130.00-160.00
Mailbox key 10.00

FIRE SAFETY:

Exit door alarm 450.00
Exit door sign 425.86
Fire alarm cover 162.76
Fire extinguisher recharge 60.00
Fire extinguisher replace 125.00
Fire extinguisher box cover 35.00-60.00
Heat/smoke detector 115.64
Malicious/negligent fire alarm 500.00

WINDOW:

Window crank 35.00
Window glass 150.00-700.00
Window screen 25.00-100.00

Window shade roller 75.00-265.00
Window shade chain operated 75.00-250.00
Vertical blind track-minimum 200.00

EXTRAORDINARY CLEANING:

Minimum charge 50.00
After hours-minimum 175.00
Biohazard clean-up-minimum 100.00
Biohazard clean-up-after hours 175.00
Disposal fee-carpet 75.00
Disposal fee-furniture 75.00
Disposal fee-food containers 10.00
Personal trash removal-minimum 25.00
Recycling item in wrong bin 30.00
Graffiti clean-up (sq. ft.) 30.00
Fire extinguisher discharge clean-up 250.00

OTHER:

Bulletin board 100.00
Bulletin board content (replace) 25.00
Cable jack box 30.00
Carpet replacement (sq. yd) 150.00
Carpet stain removal 25.00 - 50.00
Ceiling tiles 25.00-75.00
Ceramic wall/floor tile (sq. ft.) 50.00 - 100.00
Closet door 125.00-200.00
Dishwasher 500.00 - 1000.00
Elevator damage repairs 1000.00-2000.00
Hub 30.00
Hub power supply 50.00
Hub long data cable 90.00
Hub short data cable 25.00
Light globe cover 25.00-100.00
Mailbox glass 15.00
Mirror-room 75.00
Nail/tack/dart hole-each 25.00
Painting (sq. ft.)-minimum 25.00
Sheet rock (sq. ft.) 50.00
Sign replacement (varies w/type) 100.00-200.00
Sink gooseneck spout 75.00-100.00
Tape mark-minimum 10.00

Tradesperson after hours (minimum) 195.00
Vending damage (minimum) 200.00
Vinyl sheet or plank flooring (sq. yd.) 150.00
Water fountain 2000.00
Camera and related equipment 2000.00

Note: Bent, damaged or broken keys will be replaced at no cost as long as there is no evidence of abuse.

- Additional, contractually-mandated charges will be assessed to individuals or residence halls as applicable for service calls on evenings, weekends and holidays:
 - Labor Charges/Electrician \$245.00 per occurrence
 - Labor Charges/Carpenter \$195.00 per occurrence
 - Labor Charges/Heating and Ventilation \$245.00 per occurrence
 - Labor Charges/Locksmith \$245.00 per occurrence
 - Labor Charges/Plumber \$245.00 per occurrence
 - Note: Facilities may change rates to comply with contractual minimums for these services.

E. Entry into Residence Hall Rooms

- The University may authorize an administrative room entry, wellness check, or search based on reasons sufficient for the University to believe that an occupant of the room may be physically harmed or endangered, University property is being endangered, there exists any other emergency, or that the resident is in violation of University/Residential Life policies.
- Residential Life conducts regular health and safety inspections of all residential areas including student bedrooms as needed to ensure that students are living in a safe, sanitary manner and are in compliance with the Housing Agreement. Residential Life will also conduct inspections before housing facilities are closed for breaks and holidays. Advanced notice of these inspections will be given.
- University staff may enter residential areas to deliver confidential or sensitive communications between the University and the student.
- Facilities and Operations personnel and designees may enter student rooms at any time to perform needed work. Staff members are obligated to report any University policy violations noted during the room checks. Unapproved items may be removed from rooms by a member of the Residential Life team.

- University staff may enter a room in emergency or ongoing situations which are believed to present immediate danger to students and/or property.
- Students should also be aware that search warrants, based upon probable cause that a crime has been/is being committed, are obtained by University Police as needed.
- Fire alarms may necessitate a health and safety check of each room to ensure building evacuation. Staff members are obligated to report any University policy violations noted during room checks and unapproved items may be removed from rooms.
- If in the course of any entry being made pursuant to this section, illegal or restricted materials are found in plain view, the materials will be removed, and the affected student will be notified of the confiscation and face possible disciplinary proceedings.

F. Facilities

- **Bicycles/Motorcycles/Mopeds** - Bicycle storage areas are provided outside most halls. Bicycles stored in public areas are safety hazards and will be removed. Students shall be notified in writing of the removal. Motorcycles/mopeds belong in designated parking areas only. It is expected that bicycles will be removed at the close of each term. Any property left will be donated and removed within two (2) business days.
- **Cleanliness** - Residents are responsible for cleaning and keeping their rooms, suites, and apartments in a safe and sanitary manner. Residents also share responsibility for maintaining common areas such as kitchens, hallways, bathrooms, and lounges. Rooms, suites, and apartments should not be decorated or arranged in ways that cause safety issues or extraordinary cleaning (i.e., chalking or painting walls, affixing permanent additions in rooms, or other similar actions).
- Trash and recycling materials should be deposited regularly in the designated containers. Extraordinary cleaning charges are assessed to individuals or the hall as needed. During normal maintenance hours these charges vary, depending on the situation. After normal hours, the minimum charge is \$150 per incident.

- **Public Health Measures** – Members of the University community are expected to comply with all mandates of the CDC, MDPH, and associated policies mandated by the University. The University will conform to all policies as required by federal, state, and local public health officials. The University reserves the right to change policies and procedures at any time in the interests of safeguarding public health. Failure to comply with all university-implemented public health policies and procedures will result in removal from the residence hall community and forfeiture of all room and meal plan charges.
- **Movie Streaming** – Unauthorized connection to or modification of movie streaming IP addresses is illegal and can result in civil, criminal, and/or student conduct action.
- **Fire Alarms**
 - All residence hall occupants must evacuate the building immediately when a fire alarm sounds and must remain at least 25 feet from the hall. Exit using the CLOSEST fire door and learn alternate plans of escape if an exit is blocked and await instructions from staff regarding an assembly point as needed.
 - Any student who fails to evacuate a residence hall during a fire alarm may be subject to sanctions up to and including loss of housing.
 - Any student found responsible for deliberately causing a false fire alarm or tampering with fire safety equipment may be subject to immediate expulsion from the University. This includes covering, affixing items to, or disabling any fire equipment; damaging fire exit signs or otherwise compromising building evacuation.
 - A \$500 charge is assessed to any building where an alarm is activated falsely, negligently, or maliciously.
 - Students who cause an actual fire either intentionally or through negligence, or trigger an alarm through negligence face sanctions up to and including expulsion from the University and a \$500 service charge plus actual restitution for damages and clean-up.

- **Fire Safety**

- Lighting, heating, decorative, or cooking devices with an open flame or burner are prohibited. This includes all candles (even those without wicks), incense, incense burners, candle/wax warmers, and potpourri pots. Grills used for outdoor cooking must be used at least 25 feet away from all buildings. Candles, incense, incense burners, and non-approved appliances will be disposed of immediately upon discovery. Repeat violations will lead to sanctions up to and including loss of housing.
- Kerosene, lighter fluid, liquid propane, or any flammable liquid, or machines using flammable liquids, stored in residence halls is prohibited. Explosives, fireworks, and/or other hazardous materials may not be stored or used in residence halls.
- In all residence halls the bedrooms, living areas, doorways, stairwells, windows, and hallways must remain unobstructed. Nothing may be hung in any residence hall windows, doorways, or from the ceiling. At no time should sheets, blankets, or tapestries be hung on residence hall walls or ceilings or obstruct fire alarms. Wall decorations must not cover more than thirty percent (30%) of the wall space and should not be larger than '3X5'. Door decorations must not be affixed within one foot of the top or bottom, or within six inches (6) of the side edges, of any door. Door decorations must not cover any room number, door lock, or handle.
- Residence hall fireplaces are decorative only and are prohibited to use.
- **Decorations:** Live trees and wreaths are not allowed. Lighted decorations may only be on when a person is in the room. Decorations must be fireproof and cannot cover hallways, exits or doors, appliances, or electrical fixtures. All decorations must be removed in a timely manner. Strip lights are strongly discouraged as they can pose both a fire hazard and can lead to excessive paint damage when removed. Any costs associated with damage from string lights and LED light strips will be assessed to the student during the damage billing process.
- The University reserves the right to remove hazardous materials devices, or items that are being used in an unsafe manner. Confiscated items are typically disposed.
- Fire exits and Apartment Complex fire escape doors and stairwells are for emergency purposes only.

- Students must not damage, tamper with, cover or deactivate any fire safety equipment, whether in rooms (heat/smoke detectors, etc.) or common areas (pull stations, exit signs, etc.). Violations will lead to sanctions up to and including expulsion from the University and fines up to \$500.00.
- The University may require removal of any item, or establish conditions for its continued presence and use, in the interest of preserving a healthy and safe environment.
- **Common Areas** – Residence hall common areas include main lobbies, game rooms, student lounges, floor lounges, laundry rooms, and other spaces. To preserve a comfortable living environment for all residents, students must respect these shared areas. In particular, common area furniture and equipment provided for community use are NOT to be removed for personal use within a room. Students found with such items in their rooms face student conduct action, and possible criminal charges for theft of state property, and will be charged a \$100 service charge per item.
- **Repairs** – Many repairs can be completed by the hall’s maintenance staff. If residents need a room repair or see a damaged item(s) in a public area, they should submit a maintenance request through their MyHousing portal. For major health and safety issues, residents should inform an RA, Area Coordinator, Assistant RD, Maintainer or University Police immediately. Please remember that most Facilities and Operations staff members typically work ‘first shift’ hours (6am-2pm), so non-emergency requests made later in the day are unlikely to receive attention until the following day at the earliest.
- **Roofs** – Residents are prohibited from entering and accessing residence hall roofs, balconies, and exterior landings. Violations will lead to sanctions up to and including a loss of housing.
- **Room Furniture**
 - All University-issued furniture must stay in the room. No University room furnishings may be altered from their intended design or removed from the room by the resident. Students are permitted to bring a personal desk chair. However, the University desk chair must remain in the room.
 - Do not put beds on radiators, cinderblocks, or other furniture. Do not place mattresses on the floor. Waterbeds are not allowed.
 - Desk bookshelves must remain affixed to the desktops.
 - Do not remove closet doors or stack room furniture unless that furniture is designated to be stackable (i.e., New Hall end tables, University Hall dressers).

- Students are not allowed to bring large, upholstered furniture made for home use (including but limited to futons and beanbag chairs) into the residence halls, as they do not meet strict state-mandated standards for residence hall fire retardance.
- Students shall not make any changes or alterations to any on-campus property. This shall include, but not be limited to, the addition or changing of any locks, removal of window screens, the alteration of the heating or lighting fixtures, or the painting of any surface.

G. Guest and Visitor Policies

- Definition(s) - A guest is defined as any non-student who is visiting the University. A visitor is defined as any student who is not currently assigned as a resident of that particular residence hall and/or room.
- Residents are responsible for the behavior and actions of their guests and visitors. Hosts must ensure that guests and visitors abide by all University and residence hall policies. Guests of Westfield State University students will be banned from campus and face possible civil/criminal action for policy violations.
- Visitors face loss of visitation privileges and possible additional student conduct action as well as possible civil/criminal action for University policy violations.
- The rights of Westfield State University residents shall take precedence over the rights of guests/visitors. Specifically, residents have the right to restrict guest/visitor presence in their own rooms, particularly in the case of overnight guests/visitors.
- A guest's/visitor's stay may not exceed three (3) overnights, consecutive or otherwise, in any week (Monday-Sunday). An extended pattern of visitation which, in the judgment of the Residential Life staff, indicates illegal residence in a building or disrespect for a roommate's rights may lead to immediate removal and/or loss of sign-in privileges for the guest/visitor; and disciplinary actions, reassignment to another room, and/or loss of guest/visitor hosting privileges for the resident.
- **Guest Sign-In**
 - Any guest must be signed in and escorted at all times by the host. Failure to follow correct sign-in policy will result in removal of the guest from campus and loss of guest visitation privileges for the host.

- Current Westfield State University students and visitors must provide a valid University ID upon request of Residential Life staff members or other University officials as requested. Repeated failures to present ID as requested will lead to more stringent sanctions up to and including loss of housing.
- Except for specially approved programs or circumstances, no guest under 16 years of age will be allowed to be signed into a residence hall without the presence of their parent or guardian.
- Any guest who is 16 or 17 years old must provide a valid ID and a document indicating their date of birth (these may be the same document) and an emergency phone number as well as a completed authorization form for the visit from a parent or guardian – this form is available on the Residential Life webpage. University staff members may call to confirm authorization for a visit. Underage guests who violate University policies will be required to leave and face parental notification.
- Any guest 18 years of age and older must provide a valid picture identification upon request of a University staff member and a document indicating date of birth (these may be the same document). Failure to provide valid identification will result in immediate guest removal.
- A resident may host up to two (2) guests and/or visitors at any one time.
- At any time, each traditional room or apartment is limited to containing a maximum of three (3) times the number of residents living in that space.
- Commuters are welcome to visit the residence halls under previously stated guidelines as visitors.
- Guest/visitor policies may be changed at specially designated times such as Spring Weekend and other times as identified by the Dean of Students.

H. Keys and Residence Hall Access

- Residence hall access keys and cards belong to the University and are assigned to specific residents for their personal use only. Students are responsible for carrying assigned keys and ID card at all times. Keys and ID cards are not to be loaned to anyone for any reason.
- Lost keys – Residents should report to their Hall Director immediately so a lock change can be done. Students will be charged for a lock change as well as for any keys that are lost or not returned.
- Lockouts – Call University Police (x5262). The lockout service charge is \$15 per lockout service.

- Unauthorized possession or use of a University key or ID not officially issued to the student, duplication of any University key or ID, or loaning of a University key or ID issued to the student or any other person is a major offense and may result in suspension from housing or the University.

I. Occupancy Issues

- **Eligibility** - Full-time (at least 12 credits) Westfield State University undergraduate day students have first priority for on-campus housing. Housing is available for part-time students (less than 12 credits) as space is available. Graduate student housing is available for any student who has been admitted to a graduate program at the University. Eligible students must also sign the Housing Agreement and pay all bills in full.
- The housing agreement found in the MyHousing portal applies to both the fall and spring semesters; it sets forth the terms and conditions for living in the residence halls. It explains room assignment, billing, withdrawal, and refund procedures, lists policies, and outlines meal plan information. A signed Housing Agreement is required of all residents; an electronic confirmation of completion of these forms and a copy of the documents will be emailed to the resident's University email address. Housing Deposits are non-refundable. Students who seek to leave housing before the end of the academic year are subject to a \$750.00 Cancellation Fee following an approved petition for release.
- **Check-In/Check-Out Procedures**
 - Upon arrival, students are required to check into their assigned room according to the published check-in procedures. This requires you to review and electronically sign a Room Condition Report (RCR) in your MyHousing account. When you leave housing or change rooms/buildings, check out with a Residential Life Staff member, electronically sign your RCR and return the key(s). Failure to return your RCR within 48 hours of check-in will result in the assumption that the room was in satisfactory condition upon arrival.
 - Failure to properly check-in or out of a room will lead to a \$50 fee plus applicable lock change fees.
 - To avoid charges, a room must be in the same condition as it was at move-in. Room cleaning fees will be assessed. A per-item removal charge will be assessed for large items such as carpets and furniture.

- For students leaving housing during the University refund period no refund can be considered or processed until a resident has officially checked out of their assigned space. Any check-out done after regular business hours (Monday-Friday, 9:00a.m.-5:00 p.m.) will be processed as being effective on the next regular business day.
- Students no longer in housing who do not retrieve personal belongings within 72 hours of departure will be charged for disposal and/or donation of items.
- **Room Changes**
 - The University is unable to guarantee that preference and roommate requests will be honored and reserves the right to assign a student to another room or residence hall at any time for reasons deemed sufficient by the University.
 - Room changes requested in response to roommate conflicts are generally considered only after other options and educational processes have been explored and exhausted.
 - Students requesting to be re-assigned may be asked to take an active role in determining which available space is likely to be most successful for them.
 - While individual needs weigh heavily in all decisions regarding room requests, the needs of the campus residential community-at-large and the integrity of the room allocation process are also key considerations.
 - All room changes must be approved AND scheduled in advance with the Department of Residential Life. Residents will be limited to three (3) voluntary room changes per term.
 - When a student moves out of a room, it is the responsibility of the remaining resident (s) to rearrange furniture and storage space to accommodate a newly assigned roommate in anticipation of their arrival.
 - All housing selection and room change processes occur at the discretion of Residential Life and are subject to change.
 - Students must not reside in on-campus spaces other than the ones to which they are assigned, and for which they are issued keys. Unapproved room changes completed by students without prior approval from the Department of Residential Life will result in an illegal room change fee of \$50.00.

- All room assignments are subject to change by Residential Life at any time. The University reserves the right to reassign a resident to another residence hall space at any time for reasons deemed sufficient by the University, and the Housing Agreement will remain in effect and will apply to the student's occupancy of the other space.
- In cases of serious roommate conflicts in which residents are unable to resolve the situation, the Department of Residential Life will intervene and may, at its discretion, move any or all students involved in the interest of resolving the immediate conflict and preserving an appropriate living/learning environment.
- Vacation periods and semester breaks - All residence halls are closed during official University breaks and may only be entered by students registered for interim housing. Residents are to vacate the residence halls within 24 hours of their last final exam or by closing on the last day of finals, whichever comes first unless registered for interim housing during University breaks. Associated fees, contract terms, and restrictions will be at the discretion of the Department of Residential Life.
- Under-Capacity Rooms, Suites, and Apartments - The University, at its option, may choose to do any of the following regarding residents living in under-capacity rooms: 1) place a student in the empty space; 2) have students in partially full rooms move in together; 3) allow students living in under-capacity rooms to pay a premium single fee to retain the room at its current, reduced capacity for the remainder of the term.
- Depending on the availability of housing and current waiting list procedures, there is no guarantee that a student who is suspended from housing will be able to return to campus to live after their suspension is complete.
- Residence hall suites and apartments may be co-ed provided all of the students living in those areas are in agreement if the co-ed situation.

J. Personal Belongings

- Students are responsible for their own and their guest's belongings. Except as required by law, the University does not assume responsibility for loss of, or damage to, personal articles damaged by fire, theft, or other causes. Residents are encouraged to acquire personal property insurance coverage. For more information please visit the Department of Residential Life website.

K. Pets

- All pets and animals are prohibited in the residence halls with the exception of:
 - Service and support animals approved as an accommodation by the Banacos Center. A resident with a disability who would like to request the use of a service or support animal due to that disability must make this request through the Banacos Center by August 15th for the next academic year (or by January 15th for the Spring semester occupancy). For more information please review the Approved Animal Policy in the current Student Handbook.
 - Fish, defined as gill-bearing aquatic craniate animal that lacks limbs with digits. A maximum of one aquarium no larger than five (5) gallons is permitted in a residence hall room.
 - When departing for the semester breaks or any period greater than seventy-two (72) consecutive hours for fish, or the number of hours determined by the student and the Banacos Center for other animals, residents are required to take all animals with them and the aquarium must be unplugged.

L. Posting Policy

- All posters, notices, petitions, and other publicity must be approved at the Office of Residential Life prior to posting in Common areas. Approved items will then be posted in the halls in appropriate areas. Posters may not be placed on windows, painted surfaces, or stairwells. Students/groups/organizations must be clearly identified on any postings. Items posted improperly will be discarded.
- Individuals and groups wishing to advertise events or services that may be of interest to on-campus residents should contact the Department of Residential Life for permission. The Director of Residential Life reserves the right to refuse permission to advertise for those events or services that promote the use of alcohol or are insensitive to members of the campus community. Approved items will be then posted in the halls by the Residential Life staff in appropriate areas.

M. Quiet Hours/Courtesy Hours

- Quiet hours are set by the City of Westfield Noise Ordinance. "Consideration hours" are when students should respect the needs of others and take place outside of the designated quiet hours. The rights of students to study and rest take precedence over all other considerations. Campus-wide quiet hours are:
 - Sunday–Thursday 10pm – 7am
 - Friday and Saturday 11:59pm – 8am

- If a student has a concern about noise, first attempt to resolve the matter with the student involved. If the resident still needs assistance, contact Residential Life or University Police.
- The following are always violations of quiet/consideration hours:
 - Use of sound equipment (amplifiers, subwoofers, air horns, etc.) which can reasonably be expected to inhibit residents' study or sleep;
 - Participation in sports activities in or near the residence halls;
 - Immediately preceding and during final exams, quiet hours are in effect 24 hours a day. Quiet hours violations during this crucial period can result in removal from University housing for the remainder of the semester.

N. Safety and Security

- **Doors** – To maintain a safe environment, common doors that provide access to residential areas are locked at all times. These doors can be opened with a University ID card. Other entrance doors are typically locked and alarmed at all times unless otherwise specified in your hall. Exterior doors should never be propped open; violators will be subject to sanctions. University Police, Residential Life and other staff members provide coverage for each hall as assigned. For the protection of the community, students are expected to present their valid University ID when entering a residence hall whenever the desk is staffed or as requested.
- **Weapons** – Possession, storage, or use of any weapon or other similar potentially dangerous or illegal device is prohibited on the University campus. Having a weapon or similar potentially dangerous devices in the residence halls, regardless of whether or not the weapon is considered by the owner to be a decorative toy, sporting, or collectible item, is a major offense.
- **Windows/screens** – For safety reasons, dropping, dumping, throwing objects or liquids from windows, leaning out of windows, entering or exiting a hall through a window, and placing yourself or property outside a window, on a window sill, or building ledge are prohibited. Screens must remain in place at all times or a \$50 screen replacement service charge will be assessed.

- **Cameras** – Westfield State University employs a security camera system in residence hall public areas. The surveillance of public areas is intended to deter crime and assist in protecting the safety and property of the University and its community members. “Public areas” are areas made available for use by the public including, but not limited to, campus grounds, parking areas, building exteriors, lobbies, hallways, entrances, and exits. Areas of the University in which persons would not have a reasonable expectation of privacy, and to which access is restricted to certain people, such as storage areas and residence hall hallways, shall be considered public areas for the purpose of this Policy. The University shall undertake all appropriate measures to protect an individual’s right to privacy and to maintain security camera information securely through its creation, storage, transmission, use, and deletion. “Private areas” are areas in which a person has a reasonable expectation of privacy, including, but not limited to, residence hall rooms, bathrooms, shower areas, locker rooms, and changing rooms. Areas dedicated to medical, physical, or mental health therapy or treatment shall also be considered private areas for the purpose of this Policy. Cameras will not be placed in private areas.
- **Behavior** – Students are accountable for any behavior that infringes on individual and group rights, and/or jeopardizes the health and safety of individuals and property. All residents have equal rights to use of lounge areas, hallways, bathrooms, and other common spaces and agree to respect the rights of other students in such areas. These facilities include but are not limited to, study lounges, main lounges, recreation rooms, laundry rooms, and public bathrooms. Any student found to have jeopardized the health and safety of another individual may result in that student’s dismissal from the housing facility or other sanctions in accordance with University administrative procedures.

O. Smoke-Free/Tobacco-Free Campus

Smoking and/or the use of tobacco products will not be permitted on any University property or University leased property including buildings, grounds, walkways, parking lots, wooded areas, and all other property owned or operated by the University. The only exception to this prohibition is that the smoking of cigarettes only may be allowed in designated areas approved by the University President and marked by appropriate signage (See Smoke Free/Tobacco Free and Marijuana Free Campus Policy).

P. Solicitation

Non-university commercial activities, solicitations, or advertisements are prohibited in or near University residence halls.

Q. Meal Plans

All residential students are required to have a meal plan. Eligibility is by class year: first, second, third, fourth, and commuters. All meal plans are to be purchased through MyWestfield under MyHousing/Dining. Changes to meal plans must be done before the start of the semester.

REVIEW

Policy changes – Changes or updates in Residential Life policies and procedures shall be implemented after written communication from the Director of Residential Life, or the Dean of Students. All policies shall be reviewed annually by the Dean of Students.

NOTIFICATION OF STUDENT RIGHTS UNDER FERPA

The Family Educational Rights and Privacy Act (FERPA) of 1974, as amended, affords students certain rights with respect to their education records. They are:

- The right to inspect and review the student's education records within 45 days of the day the University receives a request for access. Students should submit to the registrar, vice president of academic affairs, academic department chair, or other appropriate official, written requests that identify the record(s) they wish to inspect. The University official will make arrangements for access and notify the student of the time and place where the records may be inspected. If the records are not maintained by the University official to whom the request was submitted, that official shall advise the student of the correct official to whom the request should be addressed.
- The right to request the amendment of the student's education records that the student believes are inaccurate or misleading. Students may ask Westfield State University to amend a record that they believe is inaccurate or misleading. They should write to the University official responsible for the record, clearly identify the part of the record they want changed, and specify why it is inaccurate or misleading. If the University decides not to amend the record as

requested by the student, the University will notify the student of the decision and advise the student of his or her right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the student when notified of the right to a hearing.

- The right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent.

Unless a student specifically requests in writing that their prior consent be obtained, an educational institution may make public "Directory Information" about a student, which at WSU includes:

- student's name
- campus address
- campus telephone listing
- home address
- home telephone listing
- date and place of birth
- school or college
- major field of study
- photograph
- participation in officially recognized activities and sports
- weight and height of member of athletic teams
- dates of attendance
- degrees and awards received
- campus e-mail
- enrollment status (full-time or part-time)
- most recent previous educational agency or institution attended by the student.

A request made by students to suppress from public distribution the above-mentioned information is to be made in writing and submitted to the Office of the Registrar. The request will remain in effect until the student notifies the Office of the Registrar, in writing, of their decision to reverse their original request to suppress.

As this law is interpreted at Westfield State University, the University may not release information about a student's academic performance or any other aspect of a student's University life to anyone, including the student's parents, without the written authorization of the student.

If a student is declared as a dependent on a parent's Federal Income Tax Form, the parent has a right to this information. It is up to the parent to establish the dependent status of the student, or to the student to provide written authorization to the University to release such information to the parent.

Westfield State University will disclose information from a student's education records only with the written consent of the student, except:

- To teachers and school officials who have a legitimate educational interest in the records. A school official is:
 - A person employed by the University in an administrative, supervisory, academic or research, or support staff position,
 - A person appointed to the Board of Trustees, or
 - A person/agency employed by or under contract to the University to perform an institutional service or function for which the University would otherwise use employees.
- A teacher or school official has a legitimate educational interest if the official is:
 - Performing a task that is specified in their position description or by a contract agreement,
 - Performing a task related to a student's education,
 - Performing a task related to the discipline of a student, or
 - Providing a service or benefit relating to the student or student's family, such as health care, counseling, job placement, or financial aid.
- To teachers and officials of another school, upon request, in which a student seeks or intends to enroll;
- To certain officials of the U. S. Department of Education, the Comptroller General, the Attorney General of the United States, and state and local educational authorities, in connection with certain state or federally supported education programs;
- In connection with a student's request for or receipt of financial aid, as necessary, to determine the eligibility, amount or conditions of the financial aid, or to enforce the terms and conditions of the aid;
- If required by a state law requiring disclosure that was adopted before November 19, 1974;
- To organizations or other outside researchers conducting certain studies for or on behalf of the University;

- To accrediting organizations to carry out their functions;
- To parents of a dependent student as defined in section 152 of the Internal Revenue Code of 1986.
- To comply with a judicial order, lawfully issued subpoena, and/or applicable sections of the US Patriot Act.
- To appropriate parties in a health or safety emergency;
- In connection with public information provided to the institution concerning registered sex offenders;
- To the victim of an alleged perpetrator of a crime of violence or a non-forcible sex offense. This disclosure may only include the final results of the disciplinary proceeding conducted by the university. The University may disclose the results of the disciplinary proceeding, regardless of whether the university concluded a violation was committed.
- The University may disclose only the final results of a disciplinary proceeding at the university if the student is an alleged perpetrator of a crime of violence or non-forcible sex offense; and the student has been found responsible for a violation of the university policies. The University may not disclose the name of any other student, including a victim or witness, without the prior written consent of the other student.
- Notification to the parent or legal guardian of students under twenty-one (21) years of age each time they have been found responsible for University alcohol and/or other drug policy violations. The University shall exercise discretion not to notify the parents/guardian based on documented evidence of an abusive family situation.
- If the University initiates legal action against a parent or student or if the University is the subject of legal action, the University may disclose to the court the student's educational records that are relevant to proceed with legal action as either the plaintiff or defendant.
- The right to file a complaint with the U.S. Department of Education concerning alleged failures by Westfield State University to comply with the requirements of FERPA. The name and address of the Office that administers FERPA is:

Family Policy Compliance Office
U.S. Department of Education
600 Independence Avenue, SW
Washington, DC 20202-4605

Further information on the Family Education Rights and Privacy Act of 1974 may be obtained from the Office of the Registrar or the Dean of Students. The full University policy may be found under “Student Record and Privacy Regulations.”

STUDENT RECORD AND PRIVACY REGULATIONS

The Family Educational Rights and Privacy Act (FERPA) of 1974, as amended, affords students certain rights with respect to their education records; 1) the right to inspect and review education records, 2) the right to request the amendment of an education record, 3) the right to provide written consent before the University discloses personally identifiable information from the student’s education records, except to the extent that FERPA authorizes disclosure without consent; and 4) the right to file a complaint with the U.S. Department of Education concerning alleged failures by the University to comply with the requirements of FERPA. The following policy outlines in more detail students’ rights and the Westfield State University procedures available to students in securing those rights under FERPA.

A. To Whom do These Regulations Apply?

- These regulations apply to all presently or formerly enrolled students, but not to applicants currently seeking, having been denied admission, or choosing not to enroll at the University.
- These regulations are published annually in the Student Handbook.

B. To What Records do These Regulations Apply?

- These regulations apply to “education records” originating from the university or from other educational institutions and are defined as “records, files, documents, and other materials which...contain information directly related to a student” and “are maintained by an educational agency or institution.”
- Broadly defined and outlined on the following page is a description of the types of records maintained by the University and the designated custodian of each type of record:

TYPE OF RECORD	CUSTODIAN OF RECORD
Academic, Undergraduate	Registrar
Academic, Graduate	Dean, Continuing Education
Admissions, Graduate	Dean, Continuing Education
Admissions, Undergraduate	Director of Admissions
Athletics	Director of Athletics
Disciplinary	Dean, Student Affairs
Student Accounts	Director, Student Accounts
Financial	Vice President, Administration and Finance
Education (Student Teaching)	Dean of Education
Financial Aid	Director, Financial Aid
Career Services	Director, Career Services
Veterans and Military Services	Veteran and Military Service Coordinator
Education (Student Teaching)	Dean of Education

TYPE OF RECORD	CUSTODIAN OF RECORD
Personal	Associate Vice President, Human Resources, Title IX and Equal Opportunity
Residential Life	Director, Residential Life
Title IX	Associate Vice President, Human Resources, Title IX and Equal Opportunity

- The term “education records” does not include:
 - Personal files of faculty and administrative staff personnel which are in the maker’s sole possession and not accessible or revealed to any other person except to a substitute who performs the maker’s duties for a temporary period.
 - Law enforcement records created by University Police which are kept separate from education records, are maintained for law enforcement purposes only, and are available only to law enforcement officials. Records created by University Police but maintained or used by another component of the university, for non-law enforcement purposes, are not considered law enforcement records.
 - Medical, psychiatric, or psychological records created and used only for the treatment of a student and available only to those providing the treatment, however, a physician or other appropriate professional of the student’s choice may review such records.
 - Employment records of nonstudent employees of the university which relate exclusively to said employee in their occupational capacity and are not available for use for any other purpose.
 - Alumni records that the university receives or creates after an individual no longer attends the institution and that do not directly relate to the individual attendance as a student.
 - Grades on peer graded papers before they are collected and recorded by an instructor.

- The University maintains records in many mediums including, but not limited to handwriting, e-mail, electronic, print, tapes, microfilm, and microfiche.

C. Public/Directory Information

The University may, at its discretion make public the following information about a student unless the student specifically requests in writing that their prior consent be obtained: "Directory Information" includes a student's name, campus address, home town/city and state, date and place of birth, school or University, major field of study, photograph, participation in officially recognized activities and sports, weight and height of member of athletic teams, dates of attendance, degrees and awards received, campus e-mail and enrollment status (full-time or part-time), and the most recent previous educational agency or institution attended by the student. Requests to suppress from public distribution the above-mentioned directory information are to be made in writing by the student and submitted to the Office of the Registrar. Requests to suppress directory information remain in effect until the student notifies the Office of the Registrar, in writing, their decision to reverse their original request to suppress.

D. Access Rights of Students

- Parent's Financial Records and related parental financial information shall not be released to students. Any university office maintaining such records shall either store such records in a file separate from records subject to review or conspicuously stamp records "CONFIDENTIAL-NOT TO BE RELEASED."
- Confidential evaluations and recommendations of students placed in education records prior to January 1, 1975, need not be released to students. All other education records of a particular student shall be open for inspection by that student unless access is restricted under paragraph #3 of this section.
- A student may waive their right of access to evaluations and recommendations submitted on or after January 1, 1975, with regard to admission to any educational agency or institution, an application for employment, or the receipt of an honor or honorary recognition, provided however, that the student must, upon request, be notified of the name of each person who has submitted such a confidential evaluation or recommendation; such evaluations and recommendations to be used only for the purpose intended; and a waiver may not be required as a precondition of admission to the institution or receipt from the institution of financial aid or any other services or benefits

E. Disclosure of Educational Records

- The University will disclose information from a student's education records only with the signed and dated written consent of the student, which includes the specific record to be disclosed, the purpose of the disclosure, and the parties to whom the disclosure should be made.
- The University may disclose information from a student's record without their consent under the following exceptions:
 - To teacher and school officials who have a legitimate educational interest in the records. A school official is:
 - A person employed by the University in an administrative, supervisory, academic or research, or support staff position,
 - A person appointed to the Board of Trustees, or
 - A person/agency employed by or under contract to the University to perform an institutional service or function for which the University would otherwise use employees.
 - A teacher or school official has a legitimate educational interest if the official is:
 - Performing a task that is specified in his or her position description or by a contract agreement,
 - Performing a task related to a student's education,
 - Performing a task related to the discipline of a student, or
 - Providing a service or benefit relating to the student or student's family, such as health care, counseling, job placement, or financial aid;
 - To teachers and officials of another school, upon request, in which a student seeks or intends to enroll;
 - To certain officials of the U. S. Department of Education, the Comptroller General, the Attorney General of the United States, and state and local educational authorities, in connection with certain state or federally supported education programs;
 - In connection with a student's request for or receipt of financial aid, as necessary, to determine the eligibility, amount, or conditions of the financial aid, or to enforce the terms and conditions of the aid;
 - If required by a state law requiring disclosure that was adopted before November 19, 1974;
 - To organizations or other outside researchers conducting certain studies for or on behalf of the University;
 - To accrediting organizations to carry out their functions;

- To parents of a dependent student as defined in section 152 of the Internal Revenue Code of 1986;
- To comply with a judicial order, a lawfully issued subpoena, and/or applicable sections of the US Patriot Act;
- To appropriate parties in a health or safety emergency;
- In connection with public information provided to the institution concerning registered sex offenders;
- To the victim of an alleged perpetrator of a crime of violence or a non-forcible sex offense. This disclosure may only include the final results of the disciplinary proceeding conducted by the University. The university may disclose the results of the disciplinary proceeding, regardless of whether the university concluded a violation was committed;
- The University may disclose only the final results of a disciplinary proceeding at the University if the student is an alleged perpetrator of a crime of violence or non-forcible sex offense; and the student has been found responsible for a violation of the university policies. The University may not disclose the name of any other student, including a victim or witness, without the prior written consent of the other student;
- Notification to the parent or legal guardian of students under twenty-one (21) years of age each time they have been found responsible for University alcohol and/or other drug policy violations. The University shall exercise discretion not to notify the parents/guardian based on documented evidence of an abusive family situation;
- If the University initiates legal action against a parent or student or if the university is the subject of legal action, the University may disclose to the court the student's educational records that are relevant to proceed with legal action as either the plaintiff or the defendant.
- Records released to any organization, agency, or individual shall be forwarded with notification that the party to whom the information is disclosed will not disclose the information to any other party without the prior written consent of the student except as provided by law.
- Each office that maintains education records shall maintain a record of each student which shall list all individual agencies or organizations which have requested or obtained access to such student's education record, except as provided by law.

F. Procedures to Follow to Access a Record

- A request by a student or agency to inspect a record shall be made in writing to the custodian of the record or to the University Records Liaison Officer.
- If necessary, the Records Liaison Officer will contact the custodian of the education record requested.
- The student or agency will contact the Records Liaison Officer in approximately seven (7) days from the date of request to inquire about the completion of the processing procedure (This date must be no more than forty-five (45) days after the receipt of the request).
- The student or agency will contact the custodian of the education record requested to inspect their education record.
- Every office is obligated to tell a student who has accessed their record and why, except as provided by law.
- Every office is obligated to maintain a record of the persons or agencies who have had access to the record, except as provided by law.
- Students are obligated to properly identify themselves (student ID) before being shown their records.
- Students are obligated not to interfere with the operation of the office in which the record is being maintained.
- Students are obligated to examine the record during reasonable hours at the place the record is being maintained.
- Prior to giving a student their record for examination, all confidential data as outlined in Section D above will be removed.
- The examination of the record shall be supervised.
- The student may request and receive copies of their education record at a cost of \$1 for the first sheet and \$.50 per additional page.

G. Destruction of Records

- Only the permanent card (transcript) containing a student's academic record will be considered a "permanent educational record" and will be retained.
- The destruction of student education records shall be consistent with Massachusetts state law and the current Massachusetts State Records Retention Schedule. In the event that state law and the Records Retention Schedule differ, state law shall prevail.
- Information regarding the procedures and timetable for the destruction of each specific type of education record are available through the custodian of that record.

H. Challenge to Contents of Record

- After reviewing a record, a student has the right to challenge the contents of the record as being inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student. A student may not challenge the correctness of a grade that has been assigned to their performance in a course but may challenge the accuracy of the recording of the grade. Challenges to the contents of records can be made as follows:
 - Upon deciding that some aspect of their records are inappropriate, the student shall so inform the designated person in the office where their records are maintained and shall attempt to resolve the problem through informal discussion with such person and the person in charge of that office.
 - If no agreement is reached through informal discussions, the student may submit in writing to the Vice President of the division responsible for the record, a request for a hearing, in order to challenge the contents of the record.
 - The hearing date will be scheduled within two (2) weeks (fourteen days) of the receipt of the challenge request. All parties (student, custodian, and author) will be notified (Student may be accompanied by counsel of their choice).
 - All parties to the hearing will be requested to be present (student, custodian, and author).
 - The hearing will be conducted by the Vice President of the division responsible for the record with all parties given the opportunity to present evidence and to ask questions of each other. The hearing officer (the Vice President of the division responsible for the record or his/her designee) may ask questions of each party and request any information not provided. The hearing will be audio taped.
 - The decision of the hearing officer will be communicated to all parties in writing within two (2) weeks (fourteen days) after the hearing.
 - The decision of the hearing officer may be appealed in writing to the President of the University within two (2) weeks (fourteen days) of notice of the decision by any of the parties. The tape will be made available in a supervised setting to the individual appealing the decision.

- The President will review the tape of the hearing, all written material presented, and any additional written material similarly made available to all parties.
- The decision of the President regarding the appeal will be communicated to all the parties in writing within two (2) weeks (fourteen days) of receipt of the written appeal.
- If the decision of the President does not result in an alteration of the education record as requested by the student, the student has the right to place with the education record a statement outlining their concern with the information contained in the education record and/or their reasons for disagreeing with the outcomes of the hearing and appeal. This statement shall remain a part of the record as long as that record is maintained by the institution and shall always be released with the record to an authorized party.

I. Special Note

If you have any questions about the Family Education Rights and Privacy Act, or if you have problems in securing your rights under this Act, you may call (202) 732-2057 or write to: the Family Policy and Regulations Office, Department of Education, 400 Maryland Avenue, S.W., Room 1087, Washington, DC 20202-4605. The contact persons for inquiries regarding FERPA or the University's Student Records and Privacy Regulations is the Registrar, 579-3200.

STUDENT TRAVEL POLICY

PURPOSE

To define the Westfield State University guidelines to be taken in connection with Department-sponsored and Student-sponsored travel.

POLICY

All travel by University students and advisors is to be funded according to the Commonwealth of Massachusetts (state) laws and regulations and University policies and procedures. The student traveler in addition to the student advisor(s) is responsible for ensuring adherence to applicable travel policies and procedures as outlined in the University Travel Policy (0390) and the Student Advisor Manual. All travel is contingent on available funds.

- All travel funds will be allocated by the Vice President for Administration & Finance to the appropriate department cost center under the approval of the area Vice President on an annual basis. Departmental travel expenses and student travel expenses are limited to and shall not exceed the amount budgeted and allocated.
- In determining the use of travel funds, departmental and administrative area supervisors and Vice Presidents shall consider the extent to which participating in the travel or activity requested will primarily benefit the University and the student.
- Reimbursements for travel-related expenses must follow all University policies and procedures, state laws and regulations, and the applicable collective bargaining agreements regardless of the source of funds. Travel procedures and forms can be found on myWestfield > Documents > Administration and Finance > Travel Information.
- Prior to any travel, funds must be pre-approved and encumbered on a Request to Travel Form using the travel procedures.
- The University shall not reimburse any expenses for persons accompanying an advisor or student on a trip (i.e. spouse, child, guest, pet, etc.).
- Student travel is restricted to students registered with the University and must be approved in advance by the President or a Vice President. Such travel must contribute directly to the student's education or benefit the University.
- In accordance with the Massachusetts Conflict of Interest Law (G.L. c.268A), employees/advisors are prohibited from earning personal frequent flier miles, hotel rewards, and other rewards or points during state or university-funded travel.

TRAVEL ARRANGEMENTS

- All University travel shall be arranged through the Institutional Travel Manager to include, but not limited to airfare, hotels, car rentals and conference registrations.

NON-REIMBURSABLE EXPENSES

Expenses of a personal nature, unreasonable or excessive expenditures, and those not specifically related to the conduct of University business are not reimbursable. Types of expenses that will not be reimbursed include, but are not limited to:

- Alcohol;
- Excessive or extravagant costs (e.g. exclusive restaurants and hotels);

- Personal entertainment;
- Travel insurance;
- Traffic, toll, or parking violations;
- Insurance for a personally owned car;
- Articles stolen from a personal or rental car; and
- Briefcase and luggage purchases.

REVIEW

This policy will be reviewed every three years by the Vice President for Administration and Finance and/or the Dean of Students.