

# Graduate Student Code of Conduct and Judicial Procedures

## I. Code of Student Conduct

In their relationships with other members of the Clark community and the surrounding neighborhood, graduate students should be conscious of, and demonstrate courtesy for the rights and needs of others. Membership in the Clark community does not exempt anyone from local, state, or federal laws, but rather imposes an additional obligation to abide by all of Clark's regulations. For the University to accomplish its mission, reasonable order must exist. All Clark students are responsible for acting in a manner that does not violate the standards of behavior outlined below.

### 1. Harassment

Harassment includes any verbal or physical conduct that has the intent or effect of unreasonably interfering with the work and study of any member of the Clark community, or of creating an intimidating, hostile environment. Examples of harassment include:

- intimidation
- threats
- stalking
- coercion
- slurs
- name-calling
- creating derogatory graffiti or electronic messages
- conduct which endangers the health, well-being, or safety of an individual or group

### 2. Hate Incidents

A hate incident is an act or attempted act by any person(s) against another person, group, or property which in any way constitutes an expression of hostility toward the victim(s) because of his or her race, religion, sexual orientation, national origin, disability, gender, age, ethnicity, or social/political affiliation. This includes, but is not limited to:

- threats
- physical assaults
- vandalism
- destruction of religious symbols
- fire bombings

For infractions of the Code of Student Conduct that exhibit hate, harassment, or violence towards a selected person or group because of race, ethnicity, gender, disability, age, religion, sexual orientation, or national origin, the sanction imposed may be "enhanced" or made more severe.

### **3. Sexual Harassment**

“Sexual Harassment”, under Massachusetts General Laws, Chapter 151C, includes “any unwelcome advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when: 1) submission to or rejection of such advances, requests, or conduct is made either explicitly or implicitly a term or condition of the provision of the benefits, privileges, or placement services or as a basis for the evaluation of academic achievement; or 2) such advances, requests, or conduct have the purpose or effect of unreasonably interfering with an individual’s education by creating an intimidating, hostile, humiliating, or sexually offensive educational environment.” Federal and State law and University policy prohibit sexual harassment. Additional information may be obtained from the Office of Human Resources and Affirmative Action.

### **4. Hazing**

Hazing is a crime in Massachusetts and is also prohibited by the University. “Hazing”, under Massachusetts General Laws, Chapter 269, Section 17, is defined as “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 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.” Section 18 of this Chapter states that “whoever knows that another person is the victim of hazing as defined in Section 17 and is at the scene of such crime shall, to the extent that such person can do so without danger or peril to himself or others, report such crime to an appropriate law enforcement official as soon as reasonably practical.”

### **5. Physical Assault**

Any unwanted physical contact with harmful intent or result by a Clark student against another individual is construed as physical assault and is strictly prohibited.

### **6. Rape/Sexual Assault**

Rape is defined in the General Laws of Massachusetts, Chapter 265, Section 22. Clark University defines “Sexual Assault” as any sexual contact or activity that occurs without the informed consent of any individual involved. Consent is not implied when physical or emotional harm, or the threat of such harm exists. If the act occurs while the victim is unconscious, asleep or otherwise unable to communicate consent, it is considered “Sexual Assault”.

### **7. Abuse of Property**

Damaging, destroying, or misusing University buildings, grounds, equipment, educational materials, or the personal belongings of others is prohibited.

## 8. Privacy

Infringing the rights to individual privacy, including failure to maintain a reasonable level of peace and quiet, is prohibited.

## 9. Responding to Violations or Dangerous Situations

Upon becoming aware that a violation of the Code of Student Conduct is occurring, a student is expected to remove him/herself from the environment in which the violation is occurring. If a student is made aware that another student is in imminent harm or danger, s/he is expected to immediately inform an appropriate University staff person.

## 10. Guests

Hosts must be able to account for the whereabouts and actions of their guests at all times, and they assume responsibility for the actions and behaviors of their guests while they are on the campus. In order to protect the integrity of the community, guests must comport themselves in a manner in keeping with the rules, regulations, and standards of the campus community. Unescorted guests may be asked to leave the campus. All guests are expected to produce identification at the request of a staff member.

## 11. Alcohol and Illegal Drug Use

Students under the age of 21 may not possess or consume alcoholic beverages on Clark property. Federal, state, and/or local laws govern the use, possession, and distribution of alcoholic beverages and illegal drugs. Students who are legally able to consume alcohol should understand that it is a violation of Massachusetts Law to provide alcohol to persons under the legal age for alcohol consumption. The use, possession, or sale of illegal drugs or drug-related paraphernalia is prohibited.

## 12. Creating Dangerous or Unhealthy Conditions

All students are expected to respect the need for ensuring the safety of others within the Clark community. Creating a dangerous condition threatens the integrity of the community. Examples of such prohibited behaviors include, but are not limited to:

- Exposing others to a biohazard, such as bodily fluids or wastes
- Drugging another person's food or drink
- Throwing anything out of campus windows
- Possessing or unauthorized use of flammable, corrosive, or poisonous chemicals on University premises
- Possessing firearms, explosives, or other weapons
- Tampering with any fire or safety equipment or related fixtures
- Tampering with door locks or peepholes, or emergency doors
- Unauthorized entering upon, crossing, or using roof tops except in case of emergency
- Using windows as means of ingress or egress
- Altering or duplicating University keys.

## 13. Pets

While on campus grounds, all pets must remain leashed and under the control of their owner at all times. It is the responsibility of the owner to immediately and properly dispose of the pet's bodily waste.

#### **14. Appropriate Use of Computing Resources**

Student responsibility extends to the proper use of Clark's computing resources. An excerpt from an Office of Information Systems document states that "Clark's computing resources may not be used for purposes which may be considered civil or criminal offenses or which violate Clark's official standards governing behavior in general." Examples of such official standards include those in the Student Handbook, the Faculty Handbook, the Sexual Harassment Policy, and the Administrative and Staff Handbook. The following are examples of prohibited actions:

- Destroying or damaging equipment or data
- Posting or transmitting harassing, obscene, or threatening material
- Posting or transmitting libelous or slanderous material
- Violating software or network license agreements
- Disrupting or monitoring communications without authorization
- Violating copyright laws
- Violating the privacy of other users

For more details see the separate document "Policy on Appropriate Use of Clark's Computing Resources" which is available from the Office of Information Systems.

#### **15. Disruption**

Students may not unreasonably disrupt the orderly processes of the University, involving teaching, research, administration, disciplinary proceedings, or other University activities. Actions disruptive to the orderly processes of Clark include unauthorized entry into private offices, work areas, teaching areas, libraries, laboratories, or social facilities. To disrupt students who are exhibiting freedom of expression by depriving them of the opportunity to speak or be heard, physically obstructing their movement, or otherwise interfering with academic freedom is also a violation.

#### **16. Censorship of the Media**

Censoring the press or broadcast media, which includes impeding circulation of printed media, is prohibited.

#### **17. Clark Documents**

The forgery, alteration, or unauthorized possession or use of University documents, records, or instruments of identification, is prohibited.

#### **18. Compliance with University Staff**

Students are required to comply with reasonable directives from members of the University staff acting in the performance of their duties.

#### **19. Departmental Regulations**

Members of the community are expected to abide by duly established and promulgated regulations, including the operating regulations of academic and nonacademic offices, laboratories, and campus departments.

## 20. The External Community

The responsible actions of Clark students extend to regions that are outside the immediate confines of the University. The University may invoke disciplinary action when:

- a) a member of the Clark community is the victim of an alleged violation of the Code of Student Conduct; or
- b) the alleged violation occurred at a University sponsored or sanctioned event or program; or
- c) the accused student used his/her status as a member of the Clark community to assist in the commission of the alleged violation; or
- d) the alleged violation or violation is detrimental to the safety of the University community members.

## II. Academic Dishonesty

Academic integrity is highly valued at Clark. Research, scholarship and teaching are possible only in an environment characterized by honesty and mutual trust. Academic integrity requires that your work be your own. Because of the damage that violations of academic integrity do to the intellectual climate of the University, they must be treated with the utmost seriousness and appropriate sanctions must be imposed. The maintenance of high standards of academic integrity is the concern of every member of the University community.

Several ways in which academic integrity may be violated are outlined below. [If you have questions concerning academic integrity, contact the professor teaching a course and/or your academic advisor.](#)

1. **Cheating** has three principal forms:
  - ❑ Unauthorized use of notes, text, or other aids during an examination or in performance of course assignments
  - ❑ Copying the work of another
  - ❑ Handing in the same paper for more than one course unless the faculty members involved give their explicit permission to do so.
2. **Plagiarism** refers to the presentation of someone else's work as one's own, without proper citation of references and sources, whether or not the work has been previously published. Submitting work obtained from a professional term paper writer or company is plagiarism. Claims of ignorance about the rules of attribution, or of unintentional error are not a defense against a finding of plagiarism.
3. **Unauthorized collaboration** refers to work that students submit as their own but which was arrived at through a process of collaboration without the approval of the professor. Since standards on appropriate or inappropriate collaboration may vary widely among individual faculty, students should make certain they understand a professor's expectations before collaborating on any class work.
4. **Alteration or fabrication of data** includes the submission or changing of data obtained by someone else or not actually obtained in the performance of an experiment or study, except where allowed by the professor. It also includes the changing of data obtained in the performance of one's research.

- 5. Participating in or facilitating dishonest activities** includes, but is not limited to:
- a. Stealing examinations
  - b. Forging grade reports or grade change forms, or altering academic records
  - c. Sabotaging the work of another student
  - d. Selling, lending, or otherwise distributing materials for the purpose of cheating
  - e. Forging or altering senior clearance forms
  - f. Forging letters of recommendation
  - g. Forging signatures on any official university documents

### **III. Graduate Judicial Board**

The Graduate Judicial Board (GJB) handles cases of alleged academic dishonesty and alleged violations of the code of student conduct by full-time and part-time graduate students.

The membership of the GJB comprises five graduate students, two faculty members, two administrators, and the Dean of Graduate Studies who will chair the Board. The Graduate Student members will comprise 2 students from the Graduate School (elected by Graduate Council for one year terms), 2 students from the Graduate School of Management (elected by the Graduate School of Management student council); and one graduate student from COPACE. The two faculty members will be tenure-track faculty appointed by Faculty Steering for two year terms. The two administrators on the Board will be the Dean of the School of Management (or designee) and the Dean of COPACE (or designee). A quorum exists when at least five members of the GJB are present, including at least two students. A board member must withdraw from a particular case if a conflict of interest exists as determined by the chair.

### **IV. Judicial Procedures**

#### **Invocation of Judicial Action**

1. Any member of the Clark community may initiate the University's judicial process for graduate students. For this to occur, a complaint must be submitted in writing to either the Dean of Graduate Studies, the Dean of the Graduate School of Management, or the Dean of COPACE. The University may, at its discretion, initiate the University's judicial process on its own behalf or on behalf of other persons. The University reserves the right to refer cases to civil or criminal authorities for action, rather than resolve the case through the Graduate Judicial Board. The University reserves the right to proceed with its judicial process even when civil or criminal proceedings are pending.
2. In the case of a charge of academic dishonesty initiated by the course professor, the faculty member may investigate the situation, confront the alleged violator and, where the person acknowledges responsibility, recommend a sanction to the GJB.

### **Administrative Disposition**

1. Complaints will be addressed in the first instance by the Dean of the division in which the graduate student is enrolled (the Graduate School, the Graduate School of Management, or COPACE). The following procedure will be followed:
2. The Dean or designee will determine if judicial action is warranted based on information provided by the complainant.
3. If judicial action is warranted following that review, the Dean or designee will consult with the respondent in a Pre-Hearing Interview to hear information about the incident from their perspective.
4. If sufficient information exists to proceed with judicial action, the Dean (or designee) will inform the respondent at the Pre-Hearing Interview and will determine whether s/he wishes to accept responsibility for the alleged violation. "Sufficient information" will be found to exist where the allegations of the complaint, if true, would constitute a violation of the Code of Student Conduct.
5. If the respondent accepts responsibility for the alleged violation, the Dean (or designee) will conduct an Administrative Disposition, and determine what sanction, if any, is appropriate. Where the respondent denies responsibility for the alleged violation, the charge will ordinarily be referred to the GJB.
6. At an Administrative Disposition, the respondent is given the opportunity to explain all circumstances relevant to the violation that s/he has taken responsibility for. Thereafter, the administrator conducting the disposition will recommend to the chair of GJB, a judicial sanction, if one is deemed appropriate. The chair of GJB may approve the recommendation or impose a different sanction. The final decision will be in writing and will be hand-delivered to the respondent. Upon the issuance of an administrative disposition sanction, the complainant will be notified that the respondent has accepted responsibility for the violation and that s/he has been sanctioned. Additionally, the complainant will be informed of any portion of a sanction that limits contact between the complainant and the respondent.
7. There is no appeal of an Administrative Disposition decision.

### **Judicial Board Procedure**

The Graduate Judicial Board will follow these procedures:

1. Upon receiving a referral of a case for resolution, the chair will notify all involved students and the Board of the scheduled hearing. The student responding to the complaint will be provided with a written statement of the complaint and will be given access to a copy of all relevant materials.
2. All cases referred to the GJB will be handled as soon as is practicable. Normally, cases will be heard within a two-week period after a complaint is filed. Exceptions may be made by the Board at its discretion.
3. Both the complainant and the respondent may request the assistance of an advisor. The advisor may be an individual of the student's choosing from within the Clark community (such as a member of the faculty or staff), or a member of the Clark community suggested by the Chair of GJB. If the advisor will attend the hearing, his/her name should be shared with the chair at least 24 hours in advance of the hearing. During the hearing, the advisor's role will be limited to consultation with the advisee. Attorneys are not permitted to act as advisors.
4. During the hearing, normally only the complainant, the respondent, Board members, witnesses, and advisors may be present. Witnesses shall only be present when providing information to the Board, except at the discretion of the chair. At the request of a hearing participant, the chair will take action, as s/he deems appropriate, to maintain a

safe environment. Such action may include requiring the physical separation of the parties during the hearing and/or adding the presence of a University Police Officer at the hearing.

5. The GJB may require the cooperation of any member of the Clark community in providing information during the hearing. However, no member of the University staff with whom the respondent has entered into a confidential relationship can be required to give information arising from that role without the permission of the respondent.
6. During a hearing, the board will allow the complainant, the respondent and their witnesses to provide information. The complainant and the respondent may ask questions of each other directly or through the chair. Names of witnesses being called by either party should be shared with the chair at least 24 hours in advance of the hearing.
7. The hearing is audio-taped; the board's deliberation is not taped. The audio tape will be made available to the complainant and/or respondent if judicial review of the decision of the GJB is requested. If the respondent chooses not to speak at or attend the hearing, the GJB procedures will still be followed, and sanctions, if appropriate, will be imposed.
8. The chair may remove any individual from the hearing who impedes the judicial process. The chair will act to promote a civil and respectful proceeding.
9. The Board may recess or continue a case, at its discretion.
10. The GJB invokes an evidentiary standard of "Clear and Convincing" when determining whether a violation has occurred.
11. Following completion of the hearing, the Board shall decide by majority vote whether the respondent was responsible for the violation(s) of the Code of Student Conduct. If the decision is affirmative, the Board members by a separate majority vote determine the sanction to be imposed. Records of previous disciplinary action may be used in determining a sanction. The Chair shall have the right to adopt the Board's recommendation or impose a different sanction.
12. In the event of a tied vote, the Chair has the deciding vote.
13. At the conclusion of the judicial proceeding, the Chair of the GJB, or his/her designee shall communicate the final decision to the respondent, hand-delivered and in writing, in the name of the University.
14. The Chair of GJB, or his/her designee will notify the complainant of the decision, and any portion of a sanction that limits contact between the complainant and the respondent.

## V. Judicial Sanctions

### Violations of the Student Code of Conduct

In the event a student is found responsible for violating the Code of Student Conduct, the following sanctions may be imposed. Sanctions normally cannot be fulfilled while a student is on "Leave of Absence" from the University. For infractions of the Code of Student Conduct that exhibit hate, harassment, or violence toward a person or group because of race, ethnicity, gender, disability, age, religion, sexual orientation, or national origin, the sanction imposed may be "enhanced" or made more severe.



1. Letter of Warning – a letter to a student indicating that s/he is being held responsible for for a violation of the Code of Student Conduct.
2. Disciplinary Probation – formal notice that a student's status at the University is in jeopardy due to one or more violations of the Code of Student Conduct.
3. Removal from University housing without financial reimbursement.
4. Suspension from the University – temporary suspension from the University without financial reimbursement.
5. Expulsion from the University – permanent dismissal from the University without financial reimbursement.
6. Individualized sanctions, such as a requirement to enroll in counseling or to perform community service.

### Academic Dishonesty

Where a student is found responsible for academic dishonesty, sanctions may be imposed. Sanctions may include but are not limited to one or a combination of the following responses:

1. Letter of warning.
2. Grade of zero for the particular assignment.
3. Grade of F (Fail) for the course.
4. Academic probation.
5. Notation of sanction on the student's academic record.
6. Suspension from the University.
7. Expulsion from the University.

## VI. Interim Suspension

An interim suspension may be imposed by the Chair of the GJB or his/her designee for any of the following reasons:

- To insure the safety and well-being of members of the University community;
- To insure a student's own safety or well-being;
- If a student poses a substantial threat of disruption or interference with the normal operations of the University.

While interim suspension status is in effect, a student may be denied access to classes, activities, and facilities until the judicial case has been resolved or the review by the Provost or his/her designee has been completed.

## VII. Judicial Review

Both a complainant and/or a respondent may request the Provost/Vice-President for Academic Affairs, or his/her designee to review a GJB decision on the following grounds only:

1. The judicial procedures set forth above were not followed.

2. Introduction of new evidence that was not available in the original hearing. In cases where new information is introduced, the Provost or his/her designee may refer the case back to the GJB.
3. Disagreement with the judicial decision or sanction is not grounds, in itself, for a review.
4. In order to request a review, the respondent or complainant must hand-deliver to the Provost, his/her written request and the reasons on which the request is based within five (5) calendar days after receipt of the GJB's decision.
5. The Provost or his/her designee shall have access to the case file when a review has been requested.
6. The Provost or his/her designee may, at his/her discretion, meet with the respondent and/or complainant. S/he shall have the sole discretion in accepting or rejecting a case for review, obtaining additional information relative to the case, and affirming, reversing, or amending the decision or sanction.
7. The Provost or his/her designee may also request an ad hoc committee to review the record of the case and make recommendations to him/her prior to making a final decision on the matter.
8. Normally a decision will be rendered by the Provost or his/her designee within thirty (30) days of receipt of the request for review.
9. While the decision of the Provost or his/her designee will be considered to be final, the President of the University reserves the right to amend or alter all administrative and judicial decisions of the University.

## VIII. Judicial Records

1. A file will be maintained by the Dean of the Graduate School on each case presented to the judicial system for a period of five (5) years from the date of completion of the sanction. The file will include all related documents and correspondence. All information contained in such files shall be confidential, with the following exceptions: members of the Dean of the Graduate School staff will have access to the files; GJB members will have access to appropriate files through the chair; the respondent in a case shall have access to his/her records, if any, and to documents accepted into evidence by the GJB or Administrative Disposition. If a review is requested, the entire case file will be made available to the Provost or his/her designee. The written or tape-recorded transcript of a GJB case can be accessed (limited to listening to the tape or viewing the written record of the GJB hearing in the Dean's Office area) by both the complainant and respondent in order to formulate a request for judicial review.
2. Information concerning disciplinary action may be made available without a student's consent to other appropriate University personnel, including University Police and the International Students and Scholars Office, to enable them to carry out their professional responsibilities or as otherwise permitted by the Family Educational Rights and Privacy Act. In addition, students applying to professional schools, transfer institutions, governmental agencies, or the military should understand that such information is routinely requested concerning such applications. As part of the application process to such programs, or for employment, students often provide formal permission for the release of confidential information. A request for a dean's recommendation will be deemed to constitute permission for release of this information.

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