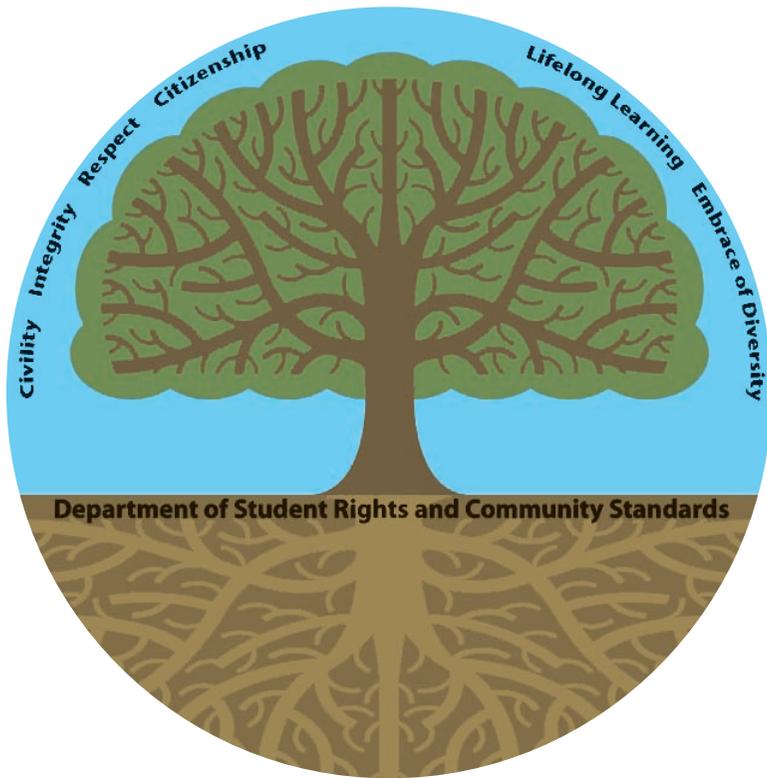


# Rights and Responsibilities

2010 - 2011



*A guide for undergraduate and graduate students living and studying together at Brandeis*

August, 2010

This booklet, *Rights and Responsibilities*, is a guide to our Brandeis community regarding the standards that define us. It is a reflection of what over the years has formed the policies and practices under which we all work and learn at our best.

*Rights and Responsibilities* also contains the procedures the university employs when a member of the community feels that a student has violated a campus policy. This process, though it has elements common to most private college campuses in America, is ultimately a Brandeis-grown and nurtured one that is constantly evaluated and tweaked by the community every year.

A careful read of this document should expose its nuance as a statement of rights that we believe our students should and do hold. The description of student rights is the product of collaboration between our Union government leadership and the staff who administer our student judicial process. Students seeking peer assistance when encountering the judicial process can look to both the Department of Student Rights and Community Standards, and to the Office of Student Rights and Advocacy – a function of the Union.

I hope you have time to read this book and become familiar with it when you receive it. By becoming familiar with the various policies on campus in advance, much difficulty can be avoided by understanding policies rather than abusing them.

Students, faculty and staff who are interested in serving on conduct hearing boards or who have questions about policies or procedures impacting community standards should be in touch with Dean Gendron, Director of Student Rights and Community Standards.

Have a great year and be safe.

A handwritten signature in black ink, appearing to read "Rick Sawyer". The signature is stylized and cursive, with the first letter of each name being significantly larger and more prominent.

Rick Sawyer  
Vice President and  
Dean of Student Life



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### Section 1. Personal Identification and Representation

1.1. furnish correct, truthful and complete information to University officials or boards.

1.2. preserve and maintain evidence so as not to deny its presentation to University offices, officials or boards

1.3. appear before a board or University official when properly notified to appear

1.4. preserve the integrity, legitimacy and accuracy of all records, documents, writings and identifications

1.5. identify himself or herself with a University Identification Card when requested by an authorized University official

1.6. utilize the University Identification Card exclusively for the student's own use in obtaining University services and privileges

1.7. seek and/or obtain only those University privileges or services (check cashing, student elections, athletic events, group examinations, registration, library, campus technologies, *etc.*) to which the student is properly entitled

1.8. refrain from encouraging, enticing, influencing or enlisting another student to violate any of the University standards or policies

### Section 2. Respect for the Health, Safety, and Rights of Community Members

2.1. respect the integrity and personal rights of individuals

2.1.a. intimidation

2.1.b. threats

2.1.c. harassment

2.1.d. physical harm

2.1.e. Invasion of personal privacy

2.1.f. endangers the health, safety, or welfare of any other person

2.2. comply with instructions of University officials.

2.3. comply with the final decision of a conduct board or administrative action

2.4. recognize and allow for the legitimate functions of the University.

2.5. refrain from using computers, cellular phones, tablets, cameras, or other electronic devices in any manner that causes disruption to or invades another individual's privacy

2.6. use safety equipment and/or initiate safety procedures only when it is necessary

2.7. avoid and refrain from discrimination

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2.8. avoid and refrain from hazing

2.9. observe the fact that the on-campus possession of firearms, explosives, knives, fireworks, nun-chucks, paintball guns, and other articles or substances usable as weapons is prohibited.

2.10. obtain clearance from the Department of Student Activities for the use of loud speakers or other sound amplification equipment at outdoor events.

2.11. refrain from bringing any dog or animal onto the University campus without a leash.

2.12. assume responsibility for the actions, damage, or injuries caused by, or costs incurred for the services related to hosting a guest on campus.

2.13. comply with the regulations enumerated in other official University publications and documents.

### Section 3. Sexual Responsibility – Seeking and Communicating Consent

3.1. students are prohibited from engaging in sexual misconduct.

3.2. causing incapacitation or intoxication, or taking advantage of someone's incapacitation or intoxication for the purpose of engaging in sexual activity is considered sexual misconduct.

3.3. consent or lack of consent may be communicated verbally or through actions but if a refusal to engage in sexual activity is communicated at any time then the activity must cease immediately.

### Section 4. Maintenance of Academic Integrity

4.1. A student's name on any written exercise (*e.g.*, examination, report, thesis, theme, notebook, laboratory report, computer program, *etc.*), or in association with an oral presentation constitutes a representation that the work is the result of that student's own thought and study.

...  
Talking during an examination, or possession or use of unauthorized materials or equipment during an examination constitutes an infringement of academic honesty. Attempting to receive credit for work not originally submitted also constitutes an infringement of academic honesty.

4.2. In some instances, a student may be authorized by a faculty member to work jointly with (an)other student(s) in solving problems or completing projects. However, students may not collaborate on assignments without explicit permission from the instructor.

4.3. Unless permission is received in advance from the faculty member in charge of the course involved, a student may not submit, in identical or similar form, work for one course that has been used to fulfill any academic requirement in another course at Brandeis or any other institution.

### Section 5. Responsible Use of Tobacco, Alcohol, and other Drugs

5.1. Smoking and Tobacco Use: All Brandeis campus buildings are completely smoke-free.

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**5.2. Alcohol Use:** Brandeis University upholds and supports local, state, and federal laws with regard to alcohol beverages. Students of legal drinking age may choose to drink within stated campus guidelines, and in accordance with procedures for event sponsorship.

**5.2.a.** No student under the legal drinking age of 21 is allowed to possess or consume alcoholic beverages on campus

**5.2.b.** In compliance with the laws of the Commonwealth of Massachusetts, members of the University and its agents may not serve or provide alcoholic beverages to any student or other individual younger than the legal drinking age of 21.

**5.2.c.** Alcoholic beverages may not be provided at any public event on University property at which there are underage individuals unless there is advance approval by University officials and reasonable precautions are taken to assure that alcohol is served only to those of legal drinking age.

**5.2.d.** The sponsor of the public event is responsible for providing food and non- alcoholic beverages at any venue where alcohol is served.

**5.2.e.** In compliance with local laws, alcoholic beverages may not be sold or served at any function requiring an admission charge without a valid liquor license for that event

**5.3. Alcohol in the Residence Halls:** Brandeis students living in the residence halls share the responsibility for upholding community standards. The following policies regarding alcohol apply specifically to the residence halls:

**5.3.a.** No alcohol is permitted in private residence hall rooms nor in any public space in first- year or sophomore areas

**5.3.b.** Alcoholic beverages may not be consumed in any public area (inside or outside of the residence halls) unless part of an authorized event

**5.3.c.** Any student or group of students wishing to sponsor a party with alcohol in the residence halls must request permission for the event from the Community Development Coordinator responsible for that area by submitting a *Private Residence Party Registration Form*

**5.3.d.** Large volumes of alcoholic beverages, (mass consumption vessels *such as* kegs, beer balls, and cases of liquor) are not permitted in residence halls. Items used with the intention of excessive consumption are prohibited. These items may include, but are not limited to funnels.

**5.4. Age Verification for Purchase or Consumption of Alcohol on Campus**

**5.5. Drugs, Drug Paraphernalia, and Other Substances:** A student is expected and required to observe the fact that the manufacturing, distribution, dispensation, possession, sale, or use of marijuana or its derivatives, or any other illegal narcotic, stimulant, depressant, or hallucinogen is prohibited. Possession or use of bongos, pipes, or other drug paraphernalia is prohibited. Misuse of prescription drugs is also prohibited.

## Section 6. Care of University and Personal Property

**6.1.** display posters, banners, handbills, or notices only on spaces designated for that purpose.

**6.2.** respect, maintain and care for property belonging to others. Vandalism, theft, attempted theft, destruction of, damage to, unauthorized possession of, or inappropriate use of property (including intellectual property) belonging to the University, a member of the University community, or any other individual or entity is unacceptable.

**6.3.** respect, maintain and care for library materials, or other academic materials or equipment.

**6.4.** observe University guidelines and policies regarding the occupancy and use of University property, facilities, name, seal or logo

**6.5.** respect and preserve the plant and animal life found on the campus.

## Section 7. Equal Opportunity, Non-Discrimination, and Harassment

**7.1. Applicability:** This policy applies to all Brandeis students, faculty and staff

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**7.2. Management and Faculty Responsibility:** It is the responsibility of faculty, managers, and supervisors to be aware of actions that constitute harassment and discrimination and to demonstrate unwillingness to tolerate such actions, including taking appropriate action to maintain an environment free from sexual or other forms of harassment or discrimination.

**7.3. Problem Resolution:** Brandeis strives to resolve problems informally whenever possible, whether the concern involves harassment or discrimination or some other issue. In the case of harassment or discrimination the Human Resource and Employee Relations Department and the Office of Student Life, as appropriate to the situation, are available to assist in this process.

**7.4. Understanding Harassment:** Harassment whether sexual or based on an individual's protected class status is a form of discrimination and will not be tolerated.

**7.5. Examples of Harassment**

**7.6. Examples of other Forms of Harassment/Discrimination**

**7.7. Retaliation:** Brandeis policy, as well as federal and state law, prohibits retaliation against any person who in good faith initiates a complaint of harassment or discrimination or cooperates in the investigation of a complaint of harassment or discrimination.

**7.8. False Claims:** If it is determined that an individual falsified a claim of harassment or discrimination, it may result in corrective actions up to and including dismissal from school or release from employment.

**7.9. Contact/Reporting Information, Concerning Staff or Faculty**

## Section 8. Campus Protests and Demonstrations

**8.1.** The Dean of Student Life or the Dean's designee must, with as much notice as possible, be notified in advance of any planned demonstrations, and may instruct organizers regarding the guidelines for such activity.

**8.2.** A protest, rally, or demonstration must not interfere with the missions, processes, procedures or functions of the University

**8.3.** An activity that is neither disruptive nor obstructive is permitted in public areas of campus buildings only during the hours when the buildings are normally open.

**8.4.** The number of persons who may be safely accommodated in any area where demonstrations occur shall be determined by the Waltham Deputy Chief for Fire Prevention.

**8.5.** Students are expected and required to vacate an area or facility of the University when directed to do so by an authorized official of the University.

## Section 9. Fire and Life Safety

**9.1.** Refrain from behavior that leads to the intentional or unintentional combustion of personal or University property.

**9.2. Fire Alarms:** Students are expected to vacate a building during a fire alarm or in an emergency.

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**9.3. Cooking Equipment:** With the exception of microwave ovens, cooking equipment of any kind is not allowed in individual student rooms or lounges.

**9.4. Open or Enclosed Flames:** Open or enclosed flames, including the burning of incense, are prohibited in the residence halls.

**9.5. Tampering with fire or safety equipment**

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**10.1. Room Vacancies and Room Transfers**

**10.2. Involuntary Reassignment of Housing**

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**10.5. Right of Entry**

**10.6. Room and Common Area Accountability**

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**10.8. Postings**

**10.9. Storage**

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- 10.15. Safety Restrictions
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- 10.15.h. air conditioners
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- 10.15.k. outside antennae or other exterior materials.
- 10.15.l. throwing or dropping items from windows, stairwells, ledges, *etc.*
- 10.15.m. violation any fire safety policies
- 10.15.n. "Hall sports"
- 10.15.o. access or to attempted access of any interior or exterior portion of a residence hall not intended for student use
- 10.15.p. postings or decorations in the interior of a residence hall must comply with safety and security policies

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### Section 12. Campus Dining Services

12.1. General Guidelines

### Section 13. Use of Campus Facilities

13.1. The priority of activities

13.2. The University requires ten days advance notice for the reservation of space

13.3. requirements for safety and security at the event

13.4. Programs held on campus and open to the campus community must end by 2:00 am

13.5. The person or group requesting the facility is responsible for harm to persons or property

13.6. Facilities must be used for the purposes stated in the request application

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**13.7.** events involving an off-campus speaker or speakers

**13.8.** University facilities may be reserved by a member of the faculty, a member of the administrative staff, an authorized officer of an undergraduate or graduate student organization recognized by the appropriate student governing authority, any other person or group who, in accordance with these regulations, receives permission from the Department of Student Activities

**13.9.** Approval of a requested use of a facility does not relieve the applicant from satisfying such additional requirements set forth in other sections of these regulations.

**13.10.** The University supports all federal, state and local laws related to illegal gambling, betting, and bookmaking.

### Section 14. Parking and Traffic

**14.1.** The improper or reckless operation of a motor vehicle

**14.2.** Operate a bicycle, motorcycle, automobile or any other manual or powered vehicle safely, only on established, authorized roadways and parking areas.

**14.3.** The Department of Public Safety authorizes a Parking Committee to hear appeals of parking and traffic violations.

### 15. Commercial Enterprises

**15.1.** permission is required for personal income-generating activity that uses University property

**15.2.** Any student selling a product, providing a service for a fee, or representing a for-profit entity shall be considered to be involved in a commercial enterprise, and is therefore required to follow the same procedures as outside companies wishing to access Brandeis services and facilities.

### 16. Conduct Affecting the Name and Tax-Exempt Status of the University

**16.1.** A member of the Brandeis community shall not speak or act in the name of the University in a political campaign on behalf of a candidate for public office.

**16.2.** The name or seal of Brandeis University shall not be used for political purposes on any letters or other written material, or electronic media.

**16.3.** In political activity, the University title of a member of the faculty, staff, or student body may be used only for identification, and should be accompanied by a statement that the person is speaking individually, and not as a representative of the University.

**16.4.** Unauthorized use of University facilities, equipment, or supplies for commercial, political or other non-University related purposes is strictly prohibited.

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**16.5.** Unauthorized use of the University tax-exempt numbers or postal permit is prohibited.

**16.5.a.** Student organizations recognized by the Student Union Senate or Graduate Student Association (or otherwise recognized by the Division of Student Affairs) may use the name of the University, its seal or logo for purposes of identifying the organization.

**16.5.b.** Student organizations recognized by the Student Union Senate or Graduate Student Association (or otherwise recognized by the Division of Student Affairs) may use University facilities for meetings, programs, events, or other activities subject to the standards and policies published elsewhere in this Handbook.

### 17. Protection of Privacy

**17.1.** The privacy of every individual in his or her person, and in his or her room and/or office must be respected. Malicious or unauthorized entry into rooms, offices, personal files, electronic files, drawers, or locked spaces, such as lockers, *etc.*, is prohibited.

**17.2.** Except in circumstances as outlined in Section 10.5, authorized entry for the purpose of searching a student maintained room or space requires advance permission from the Dean of Student Life, the Senior Vice President for Students and Enrollment, or an appropriate designee.

**17.3.** Student residence hall rooms are inspected by members of the Community Living staff periodically during the academic year to evaluate the safety, security, and health conditions of the rooms and to check for illegal possession of University-owned property.

**17.4.** Student Records: The Federal Family Educational Rights and Privacy Act of 1974 (FERPA) gives each enrolled student at Brandeis certain rights...

## Student Conduct System

### 18. Initial Procedures and the Mediated Resolution Option

### 19. Procedural Standards in the Conduct Process

**19.1.** In cases where SRCS decides that there is evidence of a violation that warrants referral to the conduct system the accused student will be contacted to schedule a preliminary meeting with the appropriate administrator

**19.2.** Administrative Action

**19.3.** If the student fails to attend a scheduled meeting with an SRCS administrator after having chosen administrative action, the administrator may complete the process in the student's absence

**19.4.** Deferral of Proceedings

**19.5.** A record of the administrative action, comprised of a summary of the evidence presented and decision rendered, shall be made by the administrator.

**19.6.** Procedures for Hearings before the Student Conduct Board (SCB)

**19.7.** Board members may be informed of the student's name and charges prior to the hearing to avoid conflict-of-interest.

**19.8.** Advisers

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**19.9.** The accused student and the accuser must be present at the hearing

**19.10.** All persons giving evidence or testimony are obligated to be truthful.

**19.11.** The accused student and the accuser shall have the right to view and question all evidence and reports presented to the Board during the hearing.

**19.12.** In cases where the accused student denies responsibility, the burden of proof shall rest upon the accuser.

**19.13.** The Board shall make one of the following decisions upon completion of the hearing: (a) a finding of 'not responsible'; (b) a finding of 'responsible' (based only upon clear and convincing evidence) and the recommendation of a sanction; (c) continuance of the case

**19.14.** A written Hearing Report, comprised of a summary of evidence presented at the hearing and decision rendered by the Board, shall be made by the SRCS hearing administrator.

**19.15.** An accused student or the accuser shall have the right to a rescheduled hearing

**19.16.** Appeal Procedures for Board Decisions

**19.17.** Procedures for Dean's Review of Administrative Actions/Decisions

**19.18.** Accused students who obtain information at their hearing which might lead to new evidence shall ask for a continuance of that case at that time

## 20. Composition of Boards

**20.1.** The Student Conduct Board

**20.2.** In hearing cases of alleged violations of policy on academic integrity, a Student Conduct Board voting panel of two students and two faculty must be present; at hearings for alleged violations of all other standards or policies, a voting panel of three students and one faculty member or staff member must be present.

**20.3.** A pool of faculty members and staff members shall serve on the Board. Faculty members are appointed by the Chairperson of the Faculty Senate.

**20.4.** Students shall be selected annually by a process open to all continuing students.

**20.5.** The SCB shall be chaired by students

**20.6.** Any member of the SCB may be removed by the SRCS Director in consultation with the student chairpersons if the member is determined to be responsible for behavior that conflicts with the high standards of citizenship, confidentiality, and cooperation that the Board represents.

**20.7.** The University Appeals Board on Student Conduct

**20.8.** The University Appeals Board (UAB) shall be comprised of...

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**20.9.** Members and alternates on the UAB shall be selected in a manner similar to that of the SCB

**20.10.** A member of the UAB may be removed by the Dean of Student Life in consultation with the chairperson

**20.11.** SCB/UAB Adviser

### **21. Range of Conduct Actions and Sanctions**

### **22. Administrative Actions and Sanctions**

**22.1.** Protection of Individuals and the Community

**22.2.** Emergency Suspension

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### **Appendix B**

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# Introduction

The vibrant Brandeis University community and its compact and complex campus necessitate that safeguards be provided to insure the freedom to explore the resources we enjoy and to express ourselves appropriately. In protection of these freedoms, the University must establish certain standards of personal conduct. The University may apply sanctions or take other appropriate action when the conduct of individuals interferes with the freedom to teach and learn, the safety and health of persons in the community, the maintenance or protection of property, the maintenance of necessary records, the provision of living accommodations and other services, or the sponsoring of non-classroom activities such as lectures, concerts, athletics events, and social functions.

Students are members of the University community, as well as citizens of the City of Waltham and the Commonwealth of Massachusetts. As citizens, students are responsible to the community of which they are a part and the University neither substitutes for nor interferes with regular legal processes. Students are also accountable for offenses against the academic community. Therefore, an action involving a student in a legal proceeding in a civil or criminal court does not free the student from responsibility for his/her conduct in a University proceeding. If a student is charged in both jurisdictions, the University will proceed with its internal review according to its own timetable.

These policies and procedures are set forth in writing in order to give all students a general notice of community standards. A student who decides to study at another institution, whether domestically or abroad, while remaining enrolled as a degree candidate at Brandeis, either undergraduate or graduate, must adhere to Brandeis policies, including but not limited to those set forth in this handbook. Students who violate campus or community standards may face conduct action at Brandeis and/or the host institution.

The University reserves broad latitude in defining and interpreting standards of behavior, and in construing these policies and procedures.

The University utilizes students' Brandeis email account as the primary means of communicating to an individual student or to the student community regarding important updates, events, policies, procedures, academics, and other information.

## Community Standards of Behavior

### Section 1. Personal Identification and Representation

The climate of life in the academic community must be one of honesty, acceptance of responsibility, and willingness to represent clearly and accurately oneself, one's own work (including academic assignments – see Section 4), and one's activities.

A student is expected and required to:

- 1.1.** furnish correct, truthful and complete information to University officials or boards.
- 1.2.** preserve and maintain evidence so as not to deny its presentation to University offices, officials or boards.
- 1.3.** appear before a board or University official when properly notified to appear.
- 1.4.** preserve the integrity, legitimacy and accuracy of all records, documents, writings and identifications used or maintained by the University so as to avoid injury, fraud, or misrepresentation.
- 1.5.** identify himself or herself with a University Identification Card when requested by an authorized University official. The official must provide identification if the student requests it.

**1.6.** utilize the University Identification Card exclusively for the student's own use in obtaining University services and privileges. A student may obtain his or her Identification Card at the Campus Card Office at the beginning of the student's first academic year. A student's Identification Card and its applications are not transferable. Lost Identification Cards must be reported to the Campus Card Office and the Department of Public Safety, and then replaced as soon as possible. Damaged cards will be replaced free of charge, but there is a fee to replace a lost card. The student must turn in the damaged card to the Campus Card Office.

**1.7.** seek and/or obtain only those University privileges or services (check cashing, student elections, athletic events, group examinations, registration, library, campus technologies, *etc.*) to which the student is properly entitled.

**1.8.** refrain from encouraging, enticing, influencing or enlisting another student to violate any of the University standards or policies listed in this handbook or other official University documents.

## **Section 2. Respect for the Health, Safety, and Rights of Community Members**

All members of the community share the responsibility for protecting and maintaining community health and safety and the rights of other persons. Concentrated housing, varied activities, and the needs of students, faculty and staff for freedom to pursue their own educational tasks and complete job-related responsibilities free from hazards and intrusions, requires the cooperation of all in maintaining these standards.

A student is expected and required to:

**2.1.** respect the integrity and personal rights of individuals. The University will not tolerate any and all behavior that:

**2.1.a.** intimidates.

**2.1.b.** threatens.

**2.1.c.** harasses. (see Section 7 regarding Harassment)

**2.1.d.** physically harms. (some examples: hitting, pushing, or physical altercations/violence of any kind)

**2.1.e.** invades personal privacy.

**2.1.f.** endangers the health, safety, or welfare of any other person or oneself on or off campus.

Due to the seriousness of any integrity or personal rights accusations and accompanying issues that may impact the Brandeis community, any student involved in such an incident may be placed on campus restriction or emergency suspension pending the outcome of any investigation or conduct process.

**2.2.** comply with instructions of University officials.

**2.3.** comply with the final decision of a conduct board or administrative action.

**2.4.** recognize and allow for the legitimate functions of the University. Obstructing or disrupting teaching, research, administrative, public service, disciplinary or other authorized functions is unacceptable.

**2.5.** refrain from using computers, cellular phones, tablets, cameras, or other electronic devices in any manner that causes disruption to or invades another individual's privacy in a classroom, library or other campus facility or any campus event. This includes misuse of computer and/or cellular devices with photographic, video, or text messaging capability (see Section 17).

**2.6.** use safety equipment and/or initiate safety procedures only when it is necessary (this includes, but is not limited to, fire equipment, fire alarms, fire drills, and exit lights). Initiating a false fire alarm or issuing any type of threat is strictly prohibited.

**2.7.** avoid and refrain from discrimination on the basis of race, sex, color, national origin, religion, age, gender, gender identity and expression, sexual orientation, disability, veteran status, or genetic information (see Section 7).

**2.8.** avoid and refrain from hazing; initiating or disciplining fellow students, often in the nature of forced alcohol consumption, humiliating or painful ordeals (see Appendix A for related Massachusetts law).

**2.9.** observe the fact that the on-campus possession of firearms (including blank pistols and replicas, bb guns, and pellet guns), explosives, knives, fireworks, nun-chucks, paintball guns, and other articles or substances usable as weapons is prohibited.

**2.10.** obtain clearance from the Department of Student Activities for the use of loud speakers or other sound amplification equipment at outdoor events.

**2.11.** refrain from bringing any dog or animal onto the University campus without a leash. Students are prohibited from allowing any unrestrained animal to enter any campus building, or allowing any restrained or unrestrained animal (other than guide and service animals) to enter dining service buildings, campus centers, residence halls or libraries.

**2.12.** assume responsibility for the actions, damage, or injuries caused by, or costs incurred for the services related to hosting a guest on campus. The University reserves the right to impose requirements related to the safety or security concerns of a visit by a guest, and to assess the host for the cost of meeting these requirements.

**2.13.** comply with the regulations enumerated in other official University publications and documents (*e.g.*, library policies, computer use policies, Dining Services policies, residence halls and dining services license, parking policies, and financial aid policies).

### **Section 3. Sexual Responsibility – Seeking and Communicating Consent**

Brandeis University expects all members of the University community to treat one another with respect. Policies regarding sexual misconduct emphasize personal accountability as well as recognition of the impact of one's behavior on others. Students are encouraged to examine their own values, communicate with one another clearly, and acknowledge the condition and requests of others. Incapacity to consent to sexual activity or compromised communication can result when individuals are under the influence of intoxicants such as alcohol and other drugs. If both parties do not consent, or are unable to consent to a sexual act, then the interaction could be defined as sexual misconduct or sexual assault. Consent must be sought and clearly understood and communicated before engaging in any sexual activities. Due to the seriousness of sexual misconduct accusations and accompanying issues that may impact the Brandeis community, any student accused of sexual misconduct may be placed on campus restriction or emergency suspension pending the outcome of any investigation or conduct process.

**3.1.** students are prohibited from engaging in sexual misconduct. Sexual contact that occurs without the explicit consent of each student involved may be considered sexual misconduct. Consent must be clearly communicated, mutual, non-coercive, and given free of force or threat of force. A student who is physically or mentally incapacitated by drugs, alcohol, or other circumstances is not capable of giving consent. Physical or mental incapacity means the lack of ability to appreciate the fact that the situation is sexual, and/or the inability to rationally and reasonably appreciate the nature and extent of that situation. Evidence of ingestion of drugs, and/or alcohol, may raise a presumption of physical and/or mental incapacity.

**3.2.** causing incapacitation or intoxication, or taking advantage of someone's incapacitation or intoxication for the purpose of engaging in sexual activity is considered sexual misconduct.

**3.3.** consent or lack of consent may be communicated verbally or through actions but if a refusal to engage in sexual activity is communicated at any time then the activity must cease immediately. Lack of consent may also be inferred from the use of force, threat, physical intimidation, or advantage gained by the accuser's mental or physical incapacity or impairment of which the accused was aware or should have been aware. Prior sexual activity or an existing acquaintance, friendship, or relationship that has been sexual in nature does not constitute consent for the continuation or renewal of sexual activity.

If you believe you are the victim of sexual misconduct or sexual assault:

**Services Available to Victims of Sexual Assault and Other Sex Offenses:** The following list identifies services, summarizes relevant policies, and illustrates the University's compliance with the requirements of the 1992 Higher Education Reauthorization Act, section 485(f).

- Students should report sexual misconduct, rape, sexual assault or other sex offenses to the Department of Public Safety. The Department of Public Safety has full police powers and the staff is trained to provide accurate information on preserving evidence and the options for criminal prosecution, campus disciplinary proceedings, or both.
- The staff in the Department of Public Safety and the staff in the Division of Student Affairs are available to assist students in notifying local police if the student chooses.
- Campus disciplinary proceedings may be initiated against a student through the Department of Student Rights and Community Standards (see Sections 3.1, 3.2, 3.3 and/or Section 7 of this publication). To report sexual misconduct against a staff or faculty member contact the University's Vice President for Human Resources.
- Section 19 of this publication describes the right of an accused student as well as the accuser to bring an adviser of his or her choice from the University community. This section also permits the passive assistance of legal counsel by either party but only if coexisting criminal charges are pending resulting from the same incident.
- Possible sanctions to be imposed following the completion of campus disciplinary proceedings are included in Section 21. The accuser will be informed of the outcome of disciplinary proceedings in which sexual assault is alleged.
- A brochure published by the Division of Student Affairs lists many helping services both on campus (*e.g.*, Counseling and Rape Crisis Hotline, Office of Human Resources, Psychological Counseling Center) and off campus (*e.g.*, Boston Area Rape Crisis Center).

The staff in the Division of Student Affairs is available after an alleged sexual assault incident to assist students in making any reasonably available changes in academic or living situations. The Division of Student Affairs and the Office of Human Resources offer educational programs on sexual assault.

## **Section 4. Maintenance of Academic Integrity**

Every member of the University community is expected to maintain the highest standards of academic integrity. A student shall not submit work that is falsified or is not the result of the student's own effort. Infringement of academic honesty by a student subjects that student to serious penalties, which may include failure on the assignment, failure in the course, suspension from the University or other sanctions (see Section 21). A student who is in doubt regarding standards of academic honesty in a course or assignment should consult the faculty member responsible for that course or assignment before submitting the work. A student's lack of understanding is not a valid defense to a charge of academic dishonesty.

**4.1.** A student's name on any written exercise (*e.g.*, examination, report, thesis, theme, notebook, laboratory report, computer program, *etc.*), or in association with an oral presentation constitutes a representation that the work is the result of that student's own thought and study. Such work shall be stated in the student's own words, and produced without the assistance of others, except for quotation marks, references, and footnotes that accurately acknowledge the use of other sources (including sources found on the Internet). Talking during an examination, or possession or use of unauthorized materials or equipment during an examination constitutes an infringement of academic honesty. Attempting to receive credit for work not originally submitted also constitutes an infringement of academic honesty.

**4.2.** In some instances, a student may be authorized by a faculty member to work jointly with (an)other student(s) in solving problems or completing projects. However, students may not collaborate on assignments without explicit permission from the instructor. To provide, either knowingly or through negligence, one's own work to assist another student in satisfying a course requirement constitutes an infringement of academic honesty. Aid from personnel associated with University-sanctioned tutoring services is acceptable.

**4.3.** Unless permission is received in advance from the faculty member in charge of the course involved, a student may not submit, in identical or similar form, work for one course that has been used to fulfill any academic requirement in another course at Brandeis or any other institution. A student who perceives the possibility of overlapping assignments in courses should consult with the appropriate faculty members before presuming that a single effort will fulfill requirements of both courses.

## **Section 5. Responsible Use of Tobacco, Alcohol, and other Drugs**

A commitment to promoting the health and safety of all members of the Brandeis community, combined with the University's obligation to uphold local, state and federal laws, requires clear policies on the possession and use of tobacco, alcohol, and other drugs. Members of the community who sponsor or host programs assume responsibility for compliance with the policies outlined below, and are required to be familiar with guidelines for event sponsorship.

Brandeis University recognizes that abuse of tobacco, alcohol, and other drugs may present conditions that require professional counseling, assistance, or treatment. If any member of the community is at risk because of use or abuse of these substances, many individuals and programs on campus are available to provide immediate or longer-term assistance. The alcohol and drug counselor/educator is located in the Brandeis University Health Center. Assessments and counseling are available for students who want to learn more about their own use of substances, reduce or eliminate their use, or have concerns about a friend or family member's use. Substance abuse counseling is a free service and is confidential. For information contact the Health Center or check their website [www.brandeis.edu/studentaffairs/health/counseling/drug.html](http://www.brandeis.edu/studentaffairs/health/counseling/drug.html).

**5.1.** Smoking and Tobacco Use: All Brandeis campus buildings are completely smoke-free. Cigarettes and other tobacco products present clear health risks to members of the community, both for users and those experiencing second-hand smoke. Smoking is prohibited in all University buildings (including the residence halls), in outside areas adjacent to the entrances of University buildings (within 30 feet), and in University vehicles. Members of the community who choose to smoke are expected to dispose of these materials in proper receptacles, and without risking harm to the campus environment. Those who use any tobacco products must show respect for the community, and are expected to comply with reasonable requests from other members of the community regarding their exposure to second-hand smoke.

**5.2.** Alcohol Use: Brandeis University upholds and supports local, state, and federal laws with regard to alcohol beverages. Students of legal drinking age may choose to drink within stated campus guidelines, and in accordance with procedures for event sponsorship. Students are expected to obey the law and all University policies regarding the possession, consumption, and serving of alcoholic beverages, and every student is responsible for his or her own conduct. Behavior while intoxicated which causes public disturbance, damage, or nuisance will not be tolerated. Students placing themselves in personal danger, and/or causing an undue burden to the community will be addressed appropriately. Brandeis students are reminded that they are responsible for the conduct of their guests.

The following general policies apply:

**5.2.a.** No student under the legal drinking age of 21 is allowed to possess or consume alcoholic beverages on campus (see Section 5.3).

**5.2.b.** In compliance with the laws of the Commonwealth of Massachusetts, members of the University and its agents may not serve or provide alcoholic beverages to any student or other individual younger than the legal drinking age of 21.

**5.2.c.** Alcoholic beverages may not be provided at any public event on University property at which there are underage individuals unless there is advance approval by University officials and reasonable precautions are taken to assure that alcohol is served only to those of legal drinking age. Individuals dispensing alcohol assume serious liability if alcohol is served to anyone who is not of legal drinking age, or anyone who is of age but is intoxicated. Alcohol will not be served at any time to individuals who are, or appear to be, intoxicated.

**5.2.d.** The sponsor of the public event is responsible for providing food and non- alcoholic beverages at any venue where alcohol is served. Sponsors should consult with the Jump Start Meeting (which includes representatives from Student Activities, Student Union, the Department of Public Safety, and Conference and Events Services) to plan any event at which alcohol will be served, to assure that the event complies with campus policies and the laws of Massachusetts. Sponsors of events bear full responsibility and liability for adherence to these policies. For information check with the Department of Student Activities website at [www.brandeis.edu/studentaffairs/activities](http://www.brandeis.edu/studentaffairs/activities).

**5.2.e.** In compliance with local laws, alcoholic beverages may not be sold or served at any function requiring an admission charge without a valid liquor license for that event (see Section 5.4 regarding purchase of alcohol on campus). The University's liquor license covers The Stein, The Faculty Club, Sherman Function Hall, Levin Ballroom, and Alumni Lounge, and events in these facilities may include alcohol if properly arranged through Conference and Events Services. In all other facilities, the sale of alcoholic beverages is prohibited without a temporary liquor license from the City of Waltham.

**5.3.** Alcohol in the Residence Halls: Brandeis students living in the residence halls share the responsibility for upholding community standards (see Section 10 for additional guidelines for the residence halls). The following policies regarding alcohol apply specifically to the residence halls:

**5.3.a.** No alcohol is permitted in private residence hall rooms nor in any public space in first- year or sophomore areas (including Usen Castle, East, Massell, North, Charles River, 567 South St. and Rosenthal Quads). In all other areas, use of alcoholic beverages must comply with the guidelines outlined in Section 5.2 above. Underage students should be aware that possession of empty alcohol containers may be considered alcohol possession. *[For the spring 2011 semester The Village will serve as housing for Midyear students, and the clusters of this residence hall where Midyears reside will be subject to the policy in this section.]*

**5.3.b.** Alcoholic beverages may not be consumed in any public area (inside or outside of the residence halls) unless part of an authorized event in conformance with the University regulations regarding events at which alcohol is served or present.

**5.3.c.** Any student or group of students wishing to sponsor a party with alcohol in the residence halls must request permission for the event from the Community Development Coordinator responsible for that area by submitting a *Private Residence Party Registration Form* at least two working days before the event is to take place. The sponsor of the event is responsible for providing food and non-alcoholic beverages at any event where alcohol is served. Such gatherings may require additional approval from the Department of Public Safety. Events/gatherings must end no later than 1:00 am. Residents sponsoring events assume responsibility for the actions of their guests. Approval of a gathering does not constitute permission to violate University policy.

**5.3.d.** Large volumes of alcoholic beverages, (mass consumption vessels *such as* kegs, beer balls, and cases of liquor) are not permitted in residence halls. Items used with the intention of excessive consumption are prohibited. These items may include, but are not limited to funnels.

**5.4.** Age Verification for Purchase or Consumption of Alcohol on Campus: Beer and wine are available for sale to students of legal drinking age at some University events and at The Stein and The Faculty Club. One of the following pieces of identification is required to accompany a current and valid Brandeis ID for students and their guests: a valid, original driver's license; a valid passport; a valid, original Massachusetts liquor identification card; or a valid Massachusetts state identification card.

**5.5.** Drugs, Drug Paraphernalia, and Other Substances: The use of illicit drugs or the abuse of legally-obtained drugs can cause serious and permanent harm to one's health and ability to function, and to the community. A student is expected and required to observe the fact that the manufacturing, distribution, dispensation, possession, sale, or use of marijuana or its derivatives, or any other illegal narcotic, stimulant, depressant, or hallucinogen is prohibited. Possession or use of bongs, pipes, or other drug paraphernalia is prohibited. Misuse of prescription drugs is also prohibited.

## **Section 6. Care of University and Personal Property**

Maintaining and preserving University grounds, academic and administrative buildings, residence halls, dining facilities, and associated structures is an obligation of all members of the community. Similarly, maintaining and preserving personal property is an obligation of all members of the community.

A student is expected and required to:

- 6.1.** display posters, banners, handbills, or notices only on spaces designated for that purpose. Placement of posters, handbills, or notices *etc.* on trees, lawns, sidewalks, statues, motor vehicles, permanent University signage, emergency blue light phones, stairwells, windows, or fire/exterior doors is prohibited. Students are expected to use only appropriate posting materials that will not cause damage (see Section 10.8 and/or the Department of Student Activities for non-residential spaces).
- 6.2.** respect, maintain and care for property belonging to others. Vandalism, theft, attempted theft, destruction of, damage to, unauthorized possession of, or inappropriate use of property (including intellectual property) belonging to the University, a member of the University community, or any other individual or entity is unacceptable.
- 6.3.** respect, maintain and care for library materials, or other academic materials or equipment. Destruction, mutilation, defacement, or tampering with any of the above is unacceptable.
- 6.4.** observe University guidelines and policies regarding the occupancy and use of University property, facilities, name, seal or logo (see Section 16). Storage closets, vacated residence hall rooms, and roof areas may not be accessed by students without permission from the Department of Community Living.
- 6.5.** respect and preserve the plant and animal life found on the campus. Mistreatment of animals, trees, or plantings is unacceptable.

## **Section 7. Equal Opportunity, Non-Discrimination, and Harassment**

**Non-Discrimination and Harassment Policy:** Brandeis University is committed to providing its students, faculty and staff with an environment conducive to learning and working where all people are treated with respect and dignity. Toward that end, it is essential that Brandeis be free from discrimination and harassment on the basis of race, color, ancestry, religious creed, gender identity and expression, national or ethnic origin, sex, sexual orientation, age, genetic information, disability, Vietnam Era veteran, qualified special, disabled veteran or other eligible veteran status or any other category protected by law.

It is the University's responsibility to help prevent harassment and discrimination from occurring, to pursue concerns of which it is aware, to objectively investigate concerns, and to take immediate and appropriate action to remedy issues of harassment and discrimination. Brandeis takes this responsibility seriously. Therefore, violations of this policy will not be tolerated and may result in corrective actions up to and including dismissal from school or release from employment.

**7.1. Applicability:** This policy applies to all Brandeis students, faculty and staff.

**7.2. Management and Faculty Responsibility:** It is the responsibility of faculty, managers, and supervisors to be aware of actions that constitute harassment and discrimination and to demonstrate unwillingness to tolerate such actions, including taking appropriate action to maintain an environment free from sexual or other forms of harassment or discrimination. Faculty and managers should contact Human Resources with any questions, complaints or concerns regarding harassment or discrimination that are brought to their attention or to discuss conduct they observe that may constitute harassment or discrimination.

**7.3. Problem Resolution:** Brandeis strives to resolve problems informally whenever possible, whether the concern involves harassment or discrimination or some other issue. In the case of harassment or discrimination the Human Resource and Employee Relations Department and the Office of Student Life, as appropriate to the situation, are available to assist in this process. If the individual(s) involved wish to file a complaint or if, in the judgment of Human Resources, the matter requires further fact-finding or review, claims will be reviewed and resolved in accordance with the procedures set forth in the Harassment/Discrimination Complaint Procedure.

**7.4. Understanding Harassment:** Harassment whether sexual or based on an individual's protected class status (race, color, ancestry, religious creed, gender, national or ethnic origin, sex, sexual orientation, age, genetic information, disability, Vietnam Era veteran, qualified special, disabled veteran or other eligible veteran status) is a form of discrimination and will not be tolerated. It is regarded as harassment when the conduct has the purpose or effect of unreasonably interfering with a person's education or work performance by creating an intimidating, hostile or offensive environment in which to work, study or live; or otherwise adversely affects a person's employment or educational opportunities. This may include but is not limited to, hiring, firing, salary increases, promotions, grades, recommendations, scholarly or teaching opportunities, participation in extracurricular activities and student organizations. Harassment may occur between supervisor/supervisee, faculty/student, within peer groups, or with third parties.

**7.5. Examples of Harassment:** Depending on the circumstances, conduct which may constitute sexual harassment includes but is not limited to:

- Unwanted sexual proposals which are made explicitly or implicitly a term or condition of hiring, a performance evaluation, promotion, salary increase, other benefit or continued employment
- Taking or failing to take personnel action as a reprisal against any individual for rejecting sexual advances
- Unwelcome sexual conduct toward an individual, including offensive comments, touching or sexual propositions
- Leering, making sexual gestures, touching, patting, pinching, rubbing, impeding or blocking movements, displaying of sexually suggestive objects, pictures, cartoons or posters, suggestive or obscene letters or emails, notes, invitation or gifts
- Making or using derogatory comments, epithets, slurs or jokes with a sexual content
- Persistent unsolicited and unwelcome invitations for dates, encounters, or pressure to engage in sexual activity of an implied or explicit nature
- Persistent inappropriate and unwelcome questions asked about personal life
- Comments to, or about, any individual or their appearance that is sexually graphic or would otherwise tend to be degrading
- Displaying, sending, forwarding, downloading or otherwise distributing sexual materials via the Internet, computer, cellular data network, or email

**7.6. Examples of other Forms of Harassment/Discrimination:** There are other forms of harassment/discrimination as well that create a hostile educational or work environment on the basis of race, color, ancestry, religious creed, national or ethnic origin, sex, sexual orientation, gender expression, age, genetic information, disability, Vietnam Era veteran, qualified disabled veteran or other eligible veteran status or status in any group protected by federal or state law (together, 'protected class status').

Depending on the circumstances, the following are examples of behaviors that may constitute harassment/discrimination under this policy. This is not an exhaustive list:

- Jokes, comments or innuendoes that make fun of, denigrate or are based on an individual's or group's protected class status
- Epithets or slurs based on an individual's or group's protected class status
- Objects, posters, cartoons or pictures which make fun of, denigrate or are based on an individual's or group's protected class status whether directed to an individual, placed on University premises or displayed or circulated on campus
- Displaying, sending, forwarding, downloading or otherwise distributing materials via the Internet, cellular data network, computer, or email that make fun of, denigrate or are based on protected class status

- Other verbal or physical conduct that denigrates or shows hostility or aversion toward an individual or group based on protected class status. Determination of whether particular conduct violates this policy is made on a case-by-case basis, in light of all the known facts and circumstances. The University may take action on conduct that it deems to be inappropriate, regardless of whether it rises to the level of a violation of law.

**7.7. Retaliation:** Brandeis policy, as well as federal and state law, prohibits retaliation against any person who in good faith initiates a complaint of harassment or discrimination or cooperates in the investigation of a complaint of harassment or discrimination. Retaliation may result in corrective action up to and including dismissal from school or termination of employment via Human Resources procedures if applicable.

**7.8. False Claims:** If it is determined that an individual falsified a claim of harassment or discrimination, it may result in corrective actions up to and including dismissal from school or release from employment.

**7.9. Contact/Reporting Information, Concerning Staff or Faculty:** Brandeis encourages the reporting of all perceived incidents of discrimination or harassment. Concerns about harassment or discrimination by a faculty or staff member (including visiting faculty, post-doctoral fellows, or graduate students acting in an instructional capacity) should be brought to the attention of the Associate Vice President of Human Resources and employee relations in the Office of Human Resources, or the Director of Employee Relations and Training, in the Office of Human Resources, or at 781-736-4464. Concerns about third parties, such as vendors, should also be directed to these individuals. These individuals, or their designees, are available to provide guidance in managing the concern, for help with informal resolution, for filing a complaint, and for reviewing complaints that require more in-depth fact-finding. For guidance and/or to file a complaint against any undergraduate or graduate student, contact the Office of the Dean of Student Life at 781-736-3600.

## **Section 8. Campus Protests and Demonstrations**

The University community is one of inquiry and persuasion. A member of the University community may protest, rally or demonstrate provided such protests or demonstrations do not disrupt University operations or obstruct physical movement to, from, or within any place on the campus, including University property located off the main campus. While the campus must be open to the free exchange of ideas, the University may limit the time, place, and manner of demonstrations. All members of the community are expected to conduct dialogues with dignity and courtesy. Students must allow other community members freedom of movement on campus and the freedom to engage in the performance of their duties and the pursuit of their educational activities.

**8.1.** The Dean of Student Life or the Dean's designee must, with as much notice as possible, be notified in advance of any planned demonstrations, and may instruct organizers regarding the guidelines for such activity.

**8.2.** A protest, rally, or demonstration must not interfere with the missions, processes, procedures or functions of the University. Therefore, protesters must recognize and allow the staff and faculty of the University to engage in the performance of their duties, and for students to pursue their educational activities. Impeding or restricting these activities by making noise, blocking entrances or exits from University facilities, or by coercion, intimidation or threats or use of violence is unacceptable.

**8.3.** An activity that is neither disruptive nor obstructive is permitted in public areas of campus buildings only during the hours when the buildings are normally open. An activity that is neither disruptive nor obstructive is permitted in outdoor areas of the campus. Placement on University property of structures or displays requires permission of the Dean of Student Life or the Dean's designee.

**8.4.** The number of persons who may be safely accommodated in any area where demonstrations occur shall be determined by the Waltham Deputy Chief for Fire Prevention. Occupancy information is available from the Department of Public Safety and the Department of Conference and Events Services.

**8.5.** Students are expected and required to vacate an area or facility of the University when directed to do so by an authorized official of the University.

## **Section 9. Fire and Life Safety**

**9.1.** Refrain from behavior that leads to the intentional or unintentional combustion of personal or University property.

**9.2.** Fire Alarms: Students are expected to vacate a building during a fire alarm or in an emergency. When an alarm sounds, all individuals must vacate the building (see Section 2.5). Students may not return until instructed to do so by a University official. Periodic fire drills will be conducted in the residence halls during the academic year.

**9.3.** Cooking Equipment: With the exception of microwave ovens, cooking equipment of any kind is not allowed in individual student rooms or lounges. This includes hot plates, toaster ovens, indoor grills, hot pots, immersion heaters, and any item with open coils.

**9.4.** Open or Enclosed Flames: Open or enclosed flames, including the burning of incense, are prohibited in the residence halls. Students wishing to light candles for religious reasons must register their intention with the Chaplaincy Office. Religious candles must be handled according to the document, *Safety Procedures for Lighting Religious Candles*, available through the Chaplaincy. Decorative and/or scented candles are permitted if the wicks are removed.

**9.5.** Tampering with fire or safety equipment including the covering of smoke detectors creates a significant threat to everyone in the building and is strictly prohibited, as is hanging items from sprinkler pipes and heads. Students found responsible for covering or tampering with smoke detectors may be assessed a fine of up to \$150.00 per involved student per occurrence in addition to Residence Probation or other actions. A parent or guardian of a student who repeats the offense will be contacted. In addition the student's account will be assessed \$150.00.

## **Section 10. Living in the Residence Halls**

The Department of Community Living strives to create a comfortable and educational living community for all students. Each student is expected to behave in a manner which respects and considers the rights of others in the University community. The exercise of one person's rights must not infringe upon the exercise of another's rights in the ordinary course of daily living. Policies and procedures relating to residence halls are contained in previous sections of this publication, the Residence Halls and Dining Services License, and in other publications issued by the University. These policies and procedures carry the force of University regulations. All students are expected to comply with these policies and procedures as well as those listed below.

**10.1.** Room Vacancies and Room Transfers: Any changes to a student's room assignment must be processed through the Department of Community Living. *Change of Housing Requests* are available on the Community Living website [www.brandeis.edu/studentaffairs/reslife](http://www.brandeis.edu/studentaffairs/reslife). Room transfers/changes are not performed during the first two weeks of classes. The Department of Community Living may assign a new occupant to any vacancy as required. Any conduct, including deception or harassment, designed to dissuade potential residents or roommates is unacceptable. See the Department of Community Living or a Community Development Coordinator for information on these policies.

**10.2.** Involuntary Reassignment of Housing: Pending the outcome of a disciplinary proceeding, the Department of Community Living reserves the right to reassign students to other locations or remove them outright from University housing. The decision to reassign or remove a student shall be made by a Director in Community Living after consultation with the Dean of Student Life or the Dean's designee. If a student is reassigned or removed outright, the procedures outlined in Section 19.1 shall begin within 10 class days after the reassignment/removal (see Section 22).

**10.3. Key, Lock, and Door Security:** Keys for all residence halls, suite doors and individual room doors are distributed by the Community Living staff. Any lost key must be reported to the Department of Community Living immediately. If the key is not located within 24 hours, the Department of Community Living may change the lock and bill the responsible student for the cost of the lock change. Additional charges may apply for suite door and entrance door keys. Failure to return keys when vacating an assignment will result in a lock change and the appropriate charge(s) to the student. For the safety of all residents, keys to the residence halls may not be duplicated or distributed to others. Locks must not be tampered with in any way or students may be subject to financial charges and other sanctions. For safety and security reasons, entrance doors to the residence halls, and fire doors may not be “propped” or left open.

**10.4. Lockouts:** Students are expected to carry their room keys with them at all times. If a student is locked out of her or his room, the student may go to the Department of Community Living in Usdan between the hours of 9:00 am and 5:00 pm Monday through Friday, and temporarily check out a loaner key after presenting proper identification. On holidays, weekends, and after 5:00 pm on weekdays, the Department of Public Safety in Stoneman will unlock student rooms upon presentation of proper identification. Facilities personnel are instructed not to open locked doors for students. Multiple lockouts may result in financial penalties.

**10.5. Right of Entry:** The University reserves the right to inspect rooms and perform maintenance at reasonable times, and to enter rooms at any time in case of emergency, in response to a complaint of disturbance, or when there is reason to believe that a violation of University policy is occurring within the room (see Sections 17.2 and 17.3). Residents are not permitted to change or add private locks or security devices to their rooms or to any part of the building. University personnel may enter a room after knocking and identifying themselves.

**10.6. Room and Common Area Accountability:** The assigned residents of a given residence hall will be held accountable for any damages that occur within the hall. Each student is responsible for any damages caused by him or herself and/or the student’s guests. When damage can be attributed to the responsible person(s), the cost of repair or replacement is billed to the individual(s) involved.

When damage occurs in a student’s room, corridor, or apartment but cannot be attributed to a specific party, the costs may be billed in equal parts to all residents of that area. Each student is responsible for completing and returning to the appropriate Community Development Coordinator his or her Room Condition Report at the beginning of the year (or when occupying a new assignment). To avoid billing upon termination of the Residence Halls and Dining Services License, all rooms and corridors must be left clean, neat, and in order. For student safety, the main entrance of residence halls remains locked at all times. Tampering with, or propping residence halls doors is not permissible. Students must refrain from exit or entrance of a building or room via a window except in case of fire or danger to one’s life.

**10.7. Room and Furniture Alterations:** All University-supplied furnishings must remain in students’ rooms, suites, and apartments unless approved by the Department of Community Living. Furniture must meet all fire codes before being allowed into the residence halls. Any student seeking reasonable physical alterations to her/his room or furniture must request permission from the Department of Community Living. Community Living may consult with the Health Center, Disabilities Services and Support, and the Department of Facilities Management before permission is granted.

**10.8. Postings:** If a student or campus organization wishes to distribute fliers, posters, *etc.* in the residence halls, the materials must be delivered to the Department of Community Living for distribution by staff (see Section 6.1).

**10.9. Storage:** The University does not provide additional storage outside of a student’s residence hall room. See Community Living staff and/or your Community Development Coordinator for information on these policies.

**10.10. Visitors and Guests:** Visitors and guests are permitted in the residence halls, provided that consideration is given to the rights of all permanent occupants. Should a roommate, suite-mate, or apartment-mate have any objection to any guest's proposed visit to the multiple-occupancy assignment, those objections must first be mediated before the guest may be welcomed. Any student whose guest remains within the residence hall for more than three consecutive days must notify the Community Development Coordinator responsible for that area. Permission to host guests may be curtailed during sensitive community periods such as Orientation and exams. Public spaces are reserved for use by all residents, and therefore may not be used to accommodate overnight guests. Residents assume responsibility for the actions of their guests.

**10.11. Noise:** Quiet hours are established for all residence halls from 11:00 pm to 8:00 am Sunday through Thursday, and from 1:00 am to 10:00 am Friday and Saturday. During these times a student should be able to study, read, relax, or sleep in his/her room without being disturbed by noise by other residents, guests, or members of the community. At all other times, residents are expected to be respectful of others with regard to noise. A professional Student Affairs staff member may extend quiet hours for an approved purpose or during reading periods and final exams.

**10.12. Solicitation in the Halls:** Because residence halls are living communities, students living on campus should be free from the pressures of door-to-door solicitations, sales, or distribution by any member of the community or by any other individual or on behalf of any business or organization. All salespersons or solicitors must have explicit permission from the Department of Community Living or another Student Affairs department. Students may not use their rooms for the purpose of operating a business (see Section 15).

**10.13. Video Cassettes, DVDs, Digital Mass Storage Devices, and other Media:** In compliance with copyright laws, video cassettes, DVDs and other media intended for private use may be shown in public areas within the residence halls only if no admission is charged, the event is not widely advertised, and no University funds (including Student Activities Fee funds) are used to rent or purchase films.

**10.14. Pets:** For the health and safety of all residents, fish are the only pets permitted in the residence halls. Fish tanks may have a maximum capacity of ten gallons of water. (see Section 2.11 regarding exceptions for guide and service animals).

**10.15. Safety Restrictions:** Students must comply with safety and security guidelines. Some personal items and actions may be considered unsafe and may be restricted or prohibited. To protect the safety of all residents, the following list will apply to all persons residing in or visiting residence halls:

**10.15.a.** No halogen bulb is permitted, including desk lamps or torchiere-style floor lamps that use halogen bulbs.

**10.15.b.** Avoid overloading electrical outlets, including excessive use of extension cords (use UL-listed, multiple outlet power strips instead).

**10.15.c.** It is prohibited to tamper with electrical or lighting fixtures.

**10.15.d.** Do not place furniture closer than 12 inches to electrical heating units in the Foster Mods or the Charles River Apartments. This type of heating appliance can reach higher surface temperatures than steam heater in other halls.

**10.15.e.** It is prohibited to store or use of flammable gases or fluids in any residence hall. This includes lighter fluid for grills, propane or butane for cooking, and jellied fuels for chafing vessels. It does not include personal-sized cigarette lighters.

**10.15.f.** It is prohibited to hang any flammable item or postings or decorations from a ceiling, irrespective of their proximity or obstruction of electrical or fire/life safety protection devices.

**10.15.g.** Do not prop or elevate furniture using cinder blocks or other unapproved methods.

**10.15.h.** It is prohibited to install air conditioners without medical authorization and approval from the Department of Community Living.

**10.15.i.** Standard size refrigerators (taller than counter height) and not permitted unless installed by the University.

**10.15.j.** Waterbeds are not permitted.

**10.15.k.** It is prohibited to install any outside antennae or other exterior materials.

**10.15.l.** It is prohibited to throw or drop items from windows, stairwells, ledges, *etc.*

**10.15.m.** It is prohibited to violate any fire safety policies (see Section 9).

**10.15.n.** “Hall sports” of any kind are not permitted. Activity in the residence halls and rooms involving athletic equipment such as balls, Frisbees, *etc.* may damage fire safety equipment, walls, ceilings, or other University property.

**10.15.o.** It is prohibited to access or to attempt to access any interior or exterior portion of a residence hall not intended for student use, including: utility closets and rooms, custodial closets and rooms, roofs, fire escapes, maintenance hatches, and other spaces that are posted with restrictions.

**10.15.p.** Any postings or decorations in the interior of a residence hall must comply with safety and security policies as determined by the Department of Community Living or other departments charged with maintaining such policies.

## **Section 11. Library and Technology Services**

Technology use policies apply to all University computer resources and information systems, to all University library resources, and to all telecommunication resources.

The library and technology resources managed by LTS are designated to support learning, teaching, and scholarship. It is the responsibility of all community members to be informed about the policies and procedures that govern use of these services.

Policies governing use of information technology at Brandeis can be found at:  
<http://lts.brandeis.edu/about/policies/>

In addition, a description of all LTS services and resources is available at:  
<http://lts.brandeis.edu>

**11.1.** Authorized Use: Students must not use passwords, Personal Billing Numbers (PBN), IDs, accounts, other than their own or attempt to acquire access to these means of account access. Students may not release another community member’s personal information. Students are also expected to refrain from gaining access to restricted resources or restricted portions of systems to which they have not been given access.

**11.2.** Appropriate Use: The University may establish 'reasonable use' policies that recognize that resources are finite and therefore subject to regulation or limitation (*i.e.* bandwidth). Students agree to follow established procedures for using and protecting library and technology resources, including managing passwords and PBNs; and maintaining the physical and electronic integrity of networks, systems, software, equipment, and accounts. In particular, students must not send unsolicited bulk communications (spam), use disproportionate amounts of network resources, conduct unauthorized network scans or probes, capture or intercept other users’ private communications, or introduce malicious programs into the system.

**11.3.** Electronic Access and Privacy: Students must respect the privacy of all members of the academic community. Students should understand that their computer files, telephone records, *etc.* may be subject to access by employees of the University for a number of legitimate reasons: to assist state or federal authorities in an investigation; to access data in files of personnel for whom they are responsible; to maintain a system or website, *etc.* (see Section 17.1).

**11.4. Civility:** When using computing or telephone resources, students must not hide their identities for malicious purposes, or assume the identity of another. Students must not harass others using computer or telephone resources (harassment is unwelcome contact with others). Material that is explicitly sexual or offensive may not be displayed, consistent with the Brandeis University Policy Statement on Non-discrimination and Harassment (see Section 7).

**11.5. Copyright:** Library and Technology Services copyright policies are designed to respect the rights of copyright holders while providing for the fair use of materials by Brandeis students. For information about copyright policies, see the web page “Copyright Policies” located at: <http://lts.brandeis.edu/research/help/copyright/resources.html>. Students are expected to comply with all local, state, and federal laws, including laws on copyright and other intellectual property laws. Use of some electronic resources is governed by license agreements restricting their access to the Brandeis community. It is the responsibility of all community members to ensure that they employ these resources only for individual, educational, and noncommercial purposes.

## **Section 12. Campus Dining Services**

**12.1. General Guidelines:** Students are expected to comply with requests of University staff and present proper ID when obtaining meals in the dining halls. To maintain health standards required by law, dogs and other animals other than guide and service animals are not allowed into the dining halls, and no one may enter a dining area with bare feet or bare chest. All reusable food service utensils and equipment are for use in dining areas only, and may not be removed for personal use. (see Sections 2.1, 2.2, and 2.11). The Department of Dining Services is in the Usdan Student Center; further information is available online at [www.campusdish.com/en-US/CSNE/Brandeis](http://www.campusdish.com/en-US/CSNE/Brandeis).

## **Section 13. Use of Campus Facilities**

University facilities are available for activities consistent with the University’s educational, social, and cultural goals. The University does not impose prior restraints upon the subject matter or point of view expressed by any person or group using its facilities. Its facilities, however, may not be used for activities contrary to federal, state, or local laws, activities conflicting with University regulations and policies, or activities that may create an undue risk or harm to persons and/or property. The University requires reasonable advance notice for the use of facilities and reserves the right to determine the time, place and manner for any event.

**13.1.** The priority of activities to be carried out in any facility is influenced by the relevance of the request to the University’s goals, the timing of the request, and the kinds of functions for which the facility is used.

**13.2.** The University requires ten days advance notice for the reservation of space unless waived by the Department of Conference and Event Services. The University reserves the right to withhold its approval of any requested use of a facility, to establish financial charges for any use, and to require a security deposit or impose other such requirements including, but not limited to, security personnel and equipment. Such charges and policies will be made based upon a review of the event plans by the Department of Conference and Event Services.

**13.3.** The requirements for safety and security at the event will be based upon a timely review by the Director of Public Safety. Requirements may be appealed to the Senior Vice President for Administration, who will make the final decision. This review will be based upon such factors as the possibility of criminal acts, the risk of harm to persons or property, and crowd control.

**13.4.** Programs held on campus and open to the campus community must end by 2:00 am unless the venue for the program has a prior condition requiring an earlier ending time. Exceptions to this standard limit for specific purposes may be made by the Department of Student Activities after consultation with the Department of Public Safety.

**13.5.** The person or group requesting the facility is responsible for harm to persons or property resulting from the use of the facility, indemnifying the University from any and all liability for injury to any person attending an event in a University facility, or for any damage or loss of personal property occurring on the University campus resulting from the use of the facility. The University reserves the right to charge the sponsor or host for the costs of providing any extraordinary services.

**13.6.** Facilities must be used for the purposes stated in the request application. The person signing the *Conference and Event Services Reservation Form* will be held responsible for all matters related to the activity. The person or organization requesting the facilities or services shall be responsible for all expenses associated with the event. Sponsors must be able to prove that adequate financial resources are available to meet all anticipated costs, including any non-Brandeis contractual obligations associated with the event.

**13.7.** Any event involving an off-campus speaker or speakers must indicate the name of the speaker(s) on the reservation form when submitted. Any change in the speaker requires notification and a re-filing of the form. The person or the organization requesting the facilities will be held responsible for the actions of the non-Brandeis speaker or guest. In addition, the host is responsible for the direct cost related to providing safety or security requirements.

**13.8.** In accordance with the above, University facilities may be reserved by a member of the faculty, a member of the administrative staff, an authorized officer of an undergraduate or graduate student organization recognized by the appropriate student governing authority, any other person or group who, in accordance with these regulations, receives permission from the Department of Student Activities.

**13.9.** Approval of a requested use of a facility does not relieve the applicant from satisfying such additional requirements set forth in other sections of these regulations.

**13.10.** The University supports all federal, state and local laws related to illegal gambling, betting, and bookmaking. Any activities in which gambling may be present must receive approval from the Department of Student Activities prior to the event.

## **Section 14. Parking and Traffic**

The parking and traffic regulations of the University are available at the Department of Public Safety, which also issues campus parking permits. These regulations apply to any person operating a motor vehicle, and carry the force of University regulations.

**14.1.** The improper or reckless operation of a motor vehicle poses a major threat to safety and carries with it the possibility of legal action and/or campus disciplinary proceedings (including the possible loss of driving/parking privileges).

**14.2.** Operate a bicycle, motorcycle, automobile or any other manual or powered vehicle safely, only on established, authorized roadways and parking areas.

**14.3.** The Department of Public Safety authorizes a Parking Committee to hear appeals of parking and traffic violations. The Student Conduct System may adjudicate cases involving the behavior of students involved in traffic incidents but does not hear appeals of the actual traffic violations.

## **15. Commercial Enterprises**

**15.1.** Brandeis University does not discourage student entrepreneurship. However, permission is required for personal income-generating activity that uses University property, including (but not limited to) student and campus centers, lobbies, cafeterias, residence hall rooms, campus phone and data lines, Internet servers, and student mailboxes. Use of the Brandeis name in connection with such activity also requires authorization.

**15.2.** Any student selling a product, providing a service for a fee, or representing a for-profit entity shall be considered to be involved in a commercial enterprise, and is therefore required to follow the same procedures as outside companies wishing to access Brandeis services and facilities. All plans for personal income-producing activity on the part of individual or groups of students and involving University property must be approved by the Department of Student Activities (see Section 6.4).

## **16. Conduct Affecting the Name and Tax-Exempt Status of the University**

**16.1.** A member of the Brandeis community shall not speak or act in the name of the University in a political campaign on behalf of a candidate for public office. Any person speaking for the University in an official capacity should make it clear when expressing an individual opinion that she/he is not stating a University position.

**16.2.** The name or seal of Brandeis University shall not be used for political purposes on any letters or other written material, or electronic media.

**16.3.** In political activity, the University title of a member of the faculty, staff, or student body may be used only for identification, and should be accompanied by a statement that the person is speaking individually, and not as a representative of the University.

**16.4.** Unauthorized use of University facilities, equipment, or supplies for commercial, political or other non-University related purposes is strictly prohibited (see Section 13).

**16.5.** Unauthorized use of the University tax-exempt numbers or postal permit is prohibited.

Guidelines Concerning Use of University Facilities, Name, Seal or Logo

On March 13, 1947, the Secretary of State of the Commonwealth of Massachusetts officially recognized and gave legal validity to the action of the Board of Trustees of Middlesex University in voting to change the name of that institution from the Trustees of Middlesex University to Brandeis University.

**16.5.a.** Student organizations recognized by the Student Union Senate or Graduate Student Association (or otherwise recognized by the Division of Student Affairs) may use the name of the University, its seal or logo for purposes of identifying the organization.

**16.5.b.** Student organizations recognized by the Student Union Senate or Graduate Student Association (or otherwise recognized by the Division of Student Affairs) may use University facilities for meetings, programs, events, or other activities subject to the standards and policies published elsewhere in this Handbook.

## **17. Protection of Privacy**

**17.1.** The privacy of every individual in his or her person, and in his or her room and/or office must be respected. Malicious or unauthorized entry into rooms, offices, personal files, electronic files (see Sections 17.4 and 11.3), drawers, or locked spaces, such as lockers, *etc.*, is prohibited.

**17.2.** Except in circumstances as outlined in Section 10.5, authorized entry for the purpose of searching a student maintained room or space requires advance permission from the Dean of Student Life, the Senior Vice President for Students and Enrollment, or an appropriate designee. Each statement of permission to enter shall clearly set forth the purpose and objectives of the search, and shall specify the office(s), room(s), or spaces(s) to be entered. The search shall be limited to the purpose, objective, and location set forth in the statement of permission. The University official making the search shall show the statement of permission to the occupant at the time of entry or, in the occupant's absence, shall leave a copy of the statement in the room(s), office(s), or space(s) entered. Immediately on conclusion of the search, the official shall prepare and give to or leave for the occupant(s) a receipt for any property seized.

**17.3.** Student residence hall rooms are inspected by members of the Community Living staff periodically during the academic year to evaluate the safety, security, and health conditions of the rooms and to check for illegal possession of University-owned property. These inspections will be conducted by floor, by section of building, or by building. Public notification of such inspections will be provided 24 hours in advance and will specify the date and time of the inspection for a given area. A student's presence in their room is not required for the inspection to take place (see Section 10.5).

**17.4. Student Records:** The Federal Family Educational Rights and Privacy Act of 1974 (FERPA) gives each enrolled student at Brandeis certain rights, including access to the student's educational records, the right to request amendment of those records where the student believes a record is inaccurate or misleading, and the right to add a statement presenting the student's view if the records are not amended. A detailed statement of the rights and responsibilities of a student under the Act, the location of all records pertaining to a student, and the procedures for requesting access are contained in the Brandeis University Records Policy. Copies are available from the University Registrar and are on reserve in the University Library.

## Student Conduct System

### **18. Initial Procedures and the Mediated Resolution Option**

Disciplinary action against a student (any person enrolled in any academic program at Brandeis University, up to and including the student's commencement day) may be implemented only through referral of a violation to the appropriate administrator within the Department of Student Rights and Community Standards (SRCS). Where infractions of University standards and policies are involved, written reports of violations or complaints shall be submitted to SRCS from the accuser in a timely manner. In all cases the available facts shall be gathered from the accuser (the complainant or the reporting agency), and a careful evaluation of these facts, as well as the credibility of the person reporting them, shall be made. If at this point in the judgment of the administrator in SRCS, there is insufficient evidence of a violation, or the case lacks merit, or it was not reported in a timely fashion, a decision not to refer the matter to the conduct system may be made. The Dean of Student Life may appoint, as needed, *ad hoc* conduct boards in addition to the boards described in Section 20.

### **Mediated Resolution Option**

The Director of SRCS, in his or her discretion, may approve the offer by an accuser to request participation of the accused in a mediated resolution that will be facilitated by the Director of SRCS or by a designee. A mediated resolution process is one in which the accuser and the accused agree to discuss the allegation in question with the assistance of the Director of SRCS or a designee. The purpose of a mediated resolution process is to apply an informal, non-adversarial approach to an outcome or compromise that will be agreed-upon, recorded, final, and binding. The parties decide how to engage the conflict through shared, in-person conversation, and the parties decide together how the conflict will be resolved. The Director or designee serves to explain community standards, to ask clarifying questions, and to maintain an orderly, respectful atmosphere. The Director must also approve all proposed resolutions.

Subject matter that is sometimes well-served by a mediated resolution option includes, though is not limited to: roommate disputes, allegations of theft of personal or intellectual property, certain academic conflicts, and minor offenses of community standards.

Participating parties have discretion to propose restitution and reconciliation outcomes subject to the approval of the Director. Such outcomes will be evaluated by the Director for their relevance to the conflict, educational benefit, constructiveness, and respect of parameters found in Section 21 of *Rights and Responsibilities*. In the event of an impasse or other impediment to arriving at a mutually-acceptable outcome the Director shall declare an endpoint to the mediated resolution process and redirect the matter to the process outlined in Section 19. Failure to adhere to the expectations of the written mediated resolution outcome may expose the offending party to further mediation or referral to the conduct system.

A record of the outcome or impasse will be produced and will be subject to the maintenance provisions in Section 19.5.

## **19. Procedural Standards in the Conduct Process**

**19.1.** In cases where SRCS decides that there is evidence of a violation that warrants referral to the conduct system the accused student will be contacted to schedule a preliminary meeting with the appropriate administrator (communication regarding conduct procedures and meetings will be through the student's Brandeis email account). This meeting will serve to inform the student of the details of the charges and educate the student about the conduct system. The student will have the opportunity to ask questions and make statements. After this preliminary meeting the student will receive written charges. (If the student fails to schedule or attend a preliminary meeting in a timely fashion, the written charges will be sent in the absence of a preliminary meeting). The student may accept responsibility and choose administrative action (see Section 19.2) or may accept or deny responsibility and request a hearing before the Student Conduct Board (SCB). The accused student must choose one of the options (for all written charges) within 48 hours of delivery of the written charge(s) to the student, the student's Brandeis email account, the student's campus mailbox, or the student's home address. Prior to making this choice, the student shall be advised of the name of the administrator who would recommend the appropriate sanction. A student's failure to choose one of the options within 48 hours constitutes an acceptance of responsibility for the violation. In such cases, the SRCS administrator may proceed to sanctioning in accordance with Section 19.3, or refer the matter to the SCB for sanctioning. In the event of extenuating circumstances, the SRCS administrator may grant additional time for the choice.

**19.2.** Administrative Action: Within 30 class days (final exams and Senior Week constitute class days) from the date the student chooses administrative action, the student shall meet with the SRCS administrator to discuss the full circumstances of the charge(s); under the Administrative Action option, this is the only opportunity to present evidence. This meeting may be in addition to, or waived in the event of, the preliminary meeting between the accused and an SRCS administrator. Summer instruction does not constitute class days unless the student is enrolled in summer school at Brandeis. SRCS shall notify the student in writing of the decision, confirming the action taken and the reasons for the decision.

**19.3.** If the student fails to attend a scheduled meeting with an SRCS administrator after having chosen administrative action, the administrator may complete the process in the student's absence and notify him/her in writing of the decision. A student shall have the right to one rescheduled meeting if she/he fails to attend the originally scheduled meeting through no fault of her/his own as determined by the administrator in SRCS.

**19.4.** Deferral of Proceedings: The staff of SRCS may defer (place on hold) conduct action at any stage of the process for a period not to exceed 90 calendar days if the student is unable to participate due to documented illness or incapacity, or if agreed upon by consent of the accuser, and/or the SRCS administrator, and the accused student. Pending charges may be discontinued thereafter dependent upon the conduct of the accused student.

**19.5.** A record of the administrative action, comprised of a summary of the evidence presented and decision rendered, shall be made by the administrator. Such records are confidential and shall be maintained by the Director of Student Rights and Community Standards for five years from the date of the case outcome, after which they will be destroyed, unless the student is involved in further conduct action. In all cases, the records will be maintained for five years from the date of the last conduct action involving that student, after which the records will be destroyed (except in extraordinary cases as defined by the Dean of Student Life). Access to such records is governed by the University Records Policy (see Sections 17.4 and 19.14).

**19.6.** Procedures for Hearings before the Student Conduct Board (SCB): A hearing shall be held within 30 class days from the date the student chooses the Board hearing. Summer (the period between the last days of final exams for the spring semester and the first day of class in the fall semester) does not constitute class days unless the student is enrolled in Brandeis Summer School. All hearings will be closed. Notice of the hearing date shall be delivered to the student in person, to the student's campus mailbox, to the student's Brandeis email account, or the student's home address at least 48 hours in advance of the hearing. An administrator from SRCS or another Student Affairs professional shall serve as the hearing administrator. The non-voting role of the hearing administrator is to ensure the appropriate execution of the hearing as prescribed in the SRCS document, *Brandeis Student Conduct Board Hearing Procedures for 2010-11*. The administrator serves to assist the Chairperson with the interpretation of *Rights and Responsibilities*, extenuating or unusual procedural challenges, and will not act in any way to influence the outcome of a case. The administrator shall be available prior to the hearing at the request of the accused student to provide information regarding the alleged violation and procedural matters. To provide adequate notice to all parties, names of any advisers and/or witnesses will be submitted by the accuser and/or the accused student(s) to the SRCS administrator at least 24 hours prior to the hearing. The administrator may share the names of witnesses and advisers with the accused and accuser prior to the hearing. The accused, accuser and their advisers are prohibited from confronting or questioning the witnesses and accusers regarding the case prior to the hearing. Additional/unlisted witnesses may be considered at the discretion of the chairperson of the Board.

**19.7.** Board members may be informed of the student's name and charges prior to the hearing to avoid conflict-of-interest. Any Board member may disqualify him/herself and either party to the case may request to disqualify a prospective member if she/he can satisfy the remaining members of the Board that there is good cause for disqualification. An alternate member may take the place of the disqualified member, or the accused and accuser may agree to proceed without the prescribed minimum voting composition of the Board.

**19.8.** Advisers: The accused student and the accuser in a hearing may each bring an adviser of his or her choice from the University community to provide passive assistance during the hearing. With the permission of the SRCS administrator, advisers may be present for conduct meetings prior to, and after, the hearing. In exceptional circumstances, the hearing administrator may allow active participation by an adviser during a hearing. The lack of availability of any particular adviser will not be considered a legitimate reason to reschedule the hearing (see Section 19.15). To avoid even the appearance of undue influence, SRCS staff that advises the boards, members of the SCB, and members of the Appeals Board are not eligible to serve as adviser for the accused or accuser. An adviser may not serve as a witness. Neither party shall be permitted to employ professional legal counsel or other persons from outside the University community to present the case before the Board or to advise the student during the hearing. However, passive assistance of legal counsel may be allowed when coexisting criminal charges are pending resulting from the same incident (see SRCS staff for details).

**19.9.** The accused student and the accuser must be present at the hearing (except as provided in Section 19.15). She/he may present evidence and introduce witnesses during the hearing, with the passive assistance of the student's adviser. Witnesses are those who were present for the incident in question, and/or have information directly related to the incident in question. It is the responsibility of the accuser and the accused student to notify his or her witnesses and adviser regarding the time, date and location of the hearing.

**19.10.** All persons giving evidence or testimony are obligated to be truthful. The Board shall rule on the admissibility of evidence and any witness testimony (see Section 19.6). Unduly repetitious or irrelevant evidence or witness testimony may be excluded. Rules of procedure and evidence applicable to civil or criminal cases in court do not apply.

**19.11.** The accused student and the accuser shall have the right to view and question all evidence and reports presented to the Board during the hearing. The accused student and the accuser shall have the right to question all witnesses appearing before the Board and only at the hearing. Written testimony from absentee witnesses may be received by the Board. Proof of authorship but not content of such testimony must be made by certification of a notary public. Inaccessibility of a notary public must be brought to the attention of the SRCS Director prior to the hearing.

**19.12.** In cases where the accused student denies responsibility, the burden of proof shall rest upon the accuser.

**19.13.** The Board shall make one of the following decisions upon completion of the hearing: (a) a finding of ‘not responsible’; (b) a finding of ‘responsible’ (based only upon clear and convincing evidence) and the recommendation of a sanction; (c) continuance of the case to obtain additional information or for further consideration. Decisions shall be based solely upon evidence and testimony introduced at the hearing. All decisions shall be made by a majority vote. During any hearing conducted by any conduct board, the chairperson shall vote only to break a tie.

**19.14.** A written Hearing Report, comprised of a summary of evidence presented at the hearing and decision rendered by the Board, shall be made by the SRCS hearing administrator. Hearing Reports are confidential and shall be maintained by the Director of Student Rights and Community Standards for five years from the date of the hearing, after which they will be destroyed unless the student is involved in further conduct action. In all cases the records will be maintained for five years from the date of the last conduct action involving that student, after which the records will be destroyed (except in extraordinary cases as defined by the Dean of Student Life (see Section 19.5)). Access to these records is governed by the University Records Policy (see Section 17.4).

**19.15.** An accused student or the accuser shall have the right to a rescheduled hearing if she/he fails to attend the originally scheduled hearing through no fault of his/her own as determined by the SRCS hearing administrator. If the SRCS hearing administrator concludes that the failure to attend was the fault of the student, the student shall be deemed to have accepted the responsibility, and the case will be referred for administrative action (see Section 19.3). If a hearing is rescheduled, it will take place after proper notification. If the accused student fails to attend the rescheduled hearing, the student shall be deemed to have accepted responsibility, and the case will be referred for administrative action (see Section 19.3).

**19.16.** Appeal Procedures for Board Decisions: Following approval or modification of the sanction(s) by the Dean of Student Life or the Director of Student Rights and Community Standards (see Section 21), an accused student shall have the right to submit an appeal request concerning the decision of a board to the University Appeals Board on Student Conduct. Such appeal requests shall be based only on specific evidence, presented in writing of:

**19.16.a.** fraud

**19.16.b.** denial of rights under this process

**19.16.c.** procedural error

**19.16.d.** the claim of new evidence not previously available, which would have materially affected the decision

Appeals shall not be based upon, or granted due to, dissatisfaction with an imposed sanction. Appeal requests must be filed within 7 days of delivery of the conduct action to the student in person, or to the student’s campus mailbox, home address or Brandeis email address. If the Appeals Board determines that a written request for appeal has merit, it shall conduct a new hearing of the case. Upon completion of the appeal hearing, the Appeals Board may uphold the original decision and sanction imposed, find the student not responsible, or increase or decrease the sanction. Any sanctions shall not take effect until approved or modified by the Dean of Student Life (or designee) or the Director of Student Rights and Community Standards (see Section 21).

**19.17.** Procedures for Dean’s Review of Administrative Actions/Decisions (see Sections 19.1, 19.2, and 19.3): An accused student shall have the right to meet with the Dean of Student Life or Associate Dean of Student Life to discuss an administrative decision or administrative action. A student must request this meeting within 2 class days of delivery of the conduct action announcement. The Dean/Associate Dean may or may not amend the original decision and/or sanctions.

**19.18.** Accused students who obtain information at their hearing which might lead to new evidence shall ask for a continuance of that case at that time, rather than wait to raise the matter for the first time as the basis for an appeal request.

## **20. Composition of Boards**

**20.1.** The Student Conduct Board: The SCB shall hear cases of alleged violations of community standards of behavior or University policies referred to it by SRCS. Procedures to be followed are enumerated in Section 19 and are available in the Department of Student Rights and Community Standards or on the website at [brandeis.edu/studentaffairs/SRCS](http://brandeis.edu/studentaffairs/SRCS).

**20.2.** In hearing cases of alleged violations of policy on academic integrity (see Section 4), a Student Conduct Board voting panel of two students and two faculty must be present; at hearings for alleged violations of all other standards or policies, a voting panel of three students and one faculty member or staff member must be present. The voting requirements in this section may be waived by mutual consent of the SCB, the accuser, and the accused.

**20.3.** A pool of faculty members and staff members shall serve on the Board. Faculty members are appointed by the Chairperson of the Faculty Senate. Staff members appointed by the Senior Vice President for Students and Enrollment. The term of appointment for faculty and staff members shall be two years and renewable.

**20.4.** Students shall be selected annually by a process open to all continuing students. The Board is formed in the spring of the preceding academic year of a representative cross-section of Brandeis students.

**20.5.** The SCB shall be chaired by students, each annually selected by the Board and SRCS Director.

**20.6.** Any member of the SCB may be removed by the SRCS Director in consultation with the student chairpersons if the member is determined to be responsible for behavior that conflicts with the high standards of citizenship, confidentiality, and cooperation that the Board represents.

**20.7.** The University Appeals Board on Student Conduct: The Appeals Board shall hear appeals of decisions of the Student Conduct Board, and appeals of decisions of any *ad hoc* board which may be formed at the discretion of the Dean of Student Life (see Section 19.17 for information on administrative action review). The Associate Dean of Student Life will serve as chairperson of the University Appeals Board.

**20.8.** The University Appeals Board (UAB) shall be comprised of one full-time student appointed by the President of the Student Union and two members of the faculty appointed by the Chairperson of the Faculty Senate, and a chairperson who is a full-time tenured faculty member appointed by the Dean of Student Life. The Union President shall appoint two undergraduate students, one of whom shall serve as an alternate. Students appointed to the Appeals Board must be free from all elected, appointed, or affiliate relationships with the Student Union. The appropriate authorities shall appoint alternates for the faculty positions. The President of the Graduate Student Association shall appoint an alternate graduate student member.

**20.9.** Members and alternates on the UAB shall be selected in a manner similar to that of the SCB, with its formation led by the the Dean of Student Life and at least one other member of the Deans staff. If a UAB position becomes vacant, and no alternate is available, the original appointing authority shall appoint a replacement for the remainder of the term.

**20.10.** A member of the UAB may be removed by the Dean of Student Life in consultation with the chairperson, if the member is determined to be responsible for behavior that conflicts with the high standards of citizenship, confidentiality, and cooperation that the UAB represents.

**20.11.** SCB/UAB Hearing Administrator: All conduct boards shall have an administrator from Student Affairs serving as a Hearing Administrator in all stages of the conduct process including hearings and deliberations. Responsibilities of the SCB/UAB Hearing Administrator shall include: (a) advising the Board regarding the requirements and provisions of the University's conduct system; (b) providing information relevant to procedures or sanctions; (c) providing continuity in Board operations and procedures; (d) facilitating the implementation of conduct procedures at all levels of the conduct system; (e) acting as a liaison between Boards and the University community; and (f) assisting the Board in fulfilling its educational responsibilities.

## **21. Range of Conduct Actions and Sanctions**

A variety of actions may be taken as a consequence of being found responsible for a violation of community standards. When determining these actions, an SRCS administrator or the SCB may consider all facets of the specific individual situation, including but not limited to the seriousness of the offense, prior history of violations, impact of the offense on others, the student's class year, and/or evidence of intent. Because the purpose of this system is to uphold and promote community standards, a learning component is also part of the sanctioning process whenever appropriate. These learning components may include but are not limited to:

- Failure in a course or on an assignment
- Workshops on note-taking, footnoting, or writing a research paper
- Training (in conflict resolution)
- Education on ethical decision-making
- Education on alcohol and drug abuse
- Restitution for damages
- Counseling/assessments
- Family notification

Learning components may be imposed in combination with other disciplinary action, and may include a required completion date. Failure to complete any designated learning component, as with any other sanction, could result in further conduct action. Sanctions shall not take effect until approved by the Director of Student Rights and Community Standards or the Associate Dean of Student Life or his/her designee, who can modify the sanction. Suspensions or dismissals shall not take effect until approved by the Dean of Student Life, who can modify the sanction.

**Verbal Warning:** In cases where the student is found responsible and the discussion with the administrator, or the hearing before the Board, has been sufficient in and of itself, further action may not be deemed necessary. However, the responsible finding is noted in the student's record in the Department of Student Rights and Community Standards.

**Disciplinary Warning:** The student may be warned in writing of the possible consequences of continuing inappropriate behavior. Additional conditions may be applied as appropriate.

**Residence Probation:** A student who is placed on residence probation is not in good standing with their living unit for a specified period of time, and conditions may be placed on their actions. The status of residence probation reminds the student that his/her infraction has become part of their record and that repetition of similar or other unacceptable behavior may be cause for removal from the residence halls.

**Removal from Living Unit:** This action precludes the student's continued residence either in a particular living unit or in any campus living unit. Such action would normally be taken after one serious violation or repeated violations related to the living unit environment.

**Loss of University Privileges:** A student may be denied certain University privileges including, but not limited to, early arrival on campus, extended stays in the residence halls, participation in campus activities, representing the University in competition or other official capacities, campus employment, and campus leadership opportunities. Loss of such privileges extends over a specific period of time, and is designed to reflect a specific community concern about the student's behavior.

**Disciplinary Probation:** A student who is placed on disciplinary probation is permitted to remain enrolled at the University, often under certain stated conditions depending upon the nature of the violation and potential learning value that may be derived from such conditions. The probation usually extends over a stated period, during which it is clearly understood that the student is subject to further disciplinary actions, including suspension or dismissal, if they violate the terms of the probation or in any way fail to conduct themselves as a responsible member of the University community. Probation is a final warning to the student to help them reevaluate their behavior.

**Suspension:** An involuntary separation of the student from the institution, suspension differs from dismissal since it defines conditions under which return will be possible. Suspension may extend for a semester, until a designated date, and/or until degrees/certificates will not be issued and credit will not be granted for courses taken elsewhere. Following the suspension period, return to Brandeis requires initial approval of the Dean of Student Life and then approval by the Committee on Academic Standing regarding academic suitability for readmission.

**Dismissal:** A permanent, involuntary separation of the student from the institution.

## **22. Administrative Actions and Sanctions**

**22.1. Protection of Individuals and the Community:** Whenever the University has reason to believe that a student's conduct or behavior may pose a significant threat to his or her physical or emotional safety or well-being, or may disrupt the safety or well-being of another student, faculty, staff, guest or other University community member, the University may take any action that it believes to be appropriate and reasonable under the circumstances. This may include but is not limited to, notification of the student's parents, removal of the student from a residence hall, or other action deemed necessary to remove or minimize the threat or disruption.

The Dean of Student Life or designee is the only authorized grantor of permission to a student who wishes to return to classes and/or the residence halls after any removal.

In the event the University takes such action, the University shall notify the student of the action taken and the basis for the action. Within three class days of notification, the student shall have an opportunity to speak with the Dean of Student Life, or the Dean's designee, to discuss the situation and provide information, including documentation by a health care provider, to contest the action(s) taken. The Dean of Student Life shall then decide, at the Dean's discretion, whether to reinstate or restore the student's privileges, to consider further action under this procedure, or to take additional reasonable and appropriate steps.

**22.2. Emergency Suspension:** Pending final action on a violation of University regulations, the status of a student shall not be altered, or their right to be present on the campus and to attend classes suspended, except for reasons of imminent danger to their physical or emotional safety or well-being, or for reasons of imminent danger to the safety or well-being of the University community. The decision to separate a student from the campus under these conditions shall be made by the Dean of Student Life or, in the Dean's absence, by the Dean's designee. If a student is separated from the campus by this authority, the procedures outlined in Section 19.1 shall be implemented within 10 class days after the separation.

**22.3. Indefinite Suspension:** In the event the Dean of Student Life learns that a Brandeis student has been charged with or convicted of a crime, the Dean or the Dean's designee may immediately remove the student from campus housing, restrict the student's access to the campus, and/or indefinitely suspend the student from the University pending the final outcome of a criminal proceeding. In making this decision, the Dean must consider the nature of the crime and the risk to the safety or well-being of the University community. A student suspended under this authority may request a meeting with the Dean and the Student Conduct Board (SCB). The SCB shall assess the risk to the safety or well-being of the Brandeis community and advise the Dean. The final decision on continuation of the suspension shall be made by the Dean of Student Life, or in the Dean's absence, by the Dean's designee. The procedural standards set forth in Section 19 do not apply to Indefinite Suspension.

**22.4. Dean's Sanctions:** Brandeis University expects students to conduct themselves at all times as good citizens and good neighbors in a manner that is consistent with the federal, state and local laws and ordinances. Off-campus behavior which, in the judgment of the Dean of Student Life, constitute behavior that is inconsistent with this expectation and adversely affects the University community may result in disciplinary action up to and including dismissal. A student disciplined under this authority may request a meeting with the Dean and the Student Conduct Board (SCB). The SCB shall advise the Dean on the appropriateness of the sanction. The final decision shall be made by the Dean of Student Life or, in the Dean's absence, by the Dean's designee. The procedural standards set forth in Section 19 do not apply to off-campus behavior or Dean's Sanction.

**22.5. Medical and Emotional Emergencies:** Whenever a student's conduct results in the intervention of Brandeis' Health Service, the Brandeis Psychological Counseling Center, or a non-Brandeis medical or psychological health care provider in order to prevent or address a student's self-harm or harm to others, or to address a student's severe emotional or psychological distress, the Dean of Student Life will establish an emergency protocol for that student. Any student who receives treatment from a non-Brandeis medical or psychological health care provider under these circumstances must contact the Dean upon release.

The Dean shall notify the student in writing of the emergency protocol and the basis therefore. Within three class days of notification, the student shall have an opportunity to speak with the Dean, or the Dean's designee, to discuss the protocol and provide information, including documentation by a health care provider, to contest the action(s) taken. The Dean shall then decide, at the Dean's discretion, whether to reinstate or restore the student's privileges, to consider further action under this procedure, or to take additional reasonable and appropriate steps.

During the period begun by the emergency intervention and continuing until the conveyance of explicit written permission by the Dean of Student Life (or designee) to resume campus functions, a student subject to an emergency protocol is not permitted to access any campus property, facilities or attend any classes. There will be no exception for examinations or other time-sensitive student activities or academic obligations. Failure to comply with this protocol may result in referral to the student conduct process as defined in this document.

## **23. Hearing Procedures for the Student Conduct System and Suggestions for Hearing Participants**

(See Student Rights and Community Standards website or office.)

# **Appendices**

## **Appendix A**

### **Massachusetts Act Prohibiting the Practice of Hazing (Chapter 269 of the Massachusetts General Laws)**

**Section 17.** Whoever is 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 by both such fine and imprisonment. The term "hazing" as used in this section and in Sections 18 and 19, 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 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 practicable. Whoever fails to report such crime shall be punished by a fine of not more than \$1000.

**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 which 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 17 and 18; provided, however, that an institution's compliance with this section's requirements that an institution issue copies of this section and Sections 17 and 18 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 17 and 18 to each of its members, plebes, pledges or applicants for memberships. 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 acknowledgement stating that such group, team or organization has received a copy of this section and said Sections 17 and 18, that each of its members, plebes, pledges, or applicants has received a copy of Sections 17 and 18, and that such group, team or organization understands and agrees to comply with the provisions of this section and Sections 17 and 18. 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 17 and 18.

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 board 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 17 and 18 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 board 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.

## **Appendix B**

### **University Policy on Fraternities and Sororities**

On May 28, 1988, the Board of Trustees of Brandeis University unanimously approved the following resolution: The Board of Trustees reaffirms University policy of recognizing only those student organizations which are open to all students on the basis of competency or interests. Exclusive or secret societies are inconsistent with the principles of openness to which the University is committed. Therefore, social fraternities and sororities, in particular, are neither recognized nor permitted to hold activities on campus or use University facilities.

## **Related Publications**

The following publications or statements of guidelines are referenced in the University regulations. The policies and procedures stated therein carry the force of University regulations. They may be obtained at the locations indicated below.

Publication or Guideline:

*Brandeis University Records Policy*, Office of the University Registrar, Kutz 124. [www.brandeis.edu/registrar/bulletin/index.html](http://www.brandeis.edu/registrar/bulletin/index.html)

Equal Employment Opportunity, Office of Human Resources, Stony Brook Office Park Bldg. 2. [www.brandeis.edu/humanresources/jobs/affirmative.html](http://www.brandeis.edu/humanresources/jobs/affirmative.html)

Graduate Student Housing Policies, Office of Graduate Student Affairs, Kutz Hall, First Floor. [www.brandeis.edu/gradstudent/housing/index.html](http://www.brandeis.edu/gradstudent/housing/index.html)

Library Policies, Library. <http://its.brandeis.edu/about/policies/libpolicies.html>

*Parking and Traffic Regulations*, Department of Public Safety (Parking and Traffic), Stoneman109. [www.brandeis.edu/publicsafety/parking/regulations.html](http://www.brandeis.edu/publicsafety/parking/regulations.html)

*Residence Halls and Dining Services License*, (paper form), Department of Community Living, Usdan Student Center, Room 032.

*Residence Hall Room Selection Procedures*, Department of Community Living, (available seasonally), Usdan Student Center, Room 032. [www.brandeis.edu/studentlife/reslife/](http://www.brandeis.edu/studentlife/reslife/)

Room Reservation Procedures, *Student Group Request Form*, Department of Conference and Event Services, Kutz 9. [www.brandeis.edu/ces/communityevents/documents/studentform.pdf](http://www.brandeis.edu/ces/communityevents/documents/studentform.pdf)

*Safety Procedures for Lighting Candles*, Chaplaincy Office, Usdan 133.

*Student Guide to Dining Services*, Department of Dining Services, Kutz 9. [www.campusdish.com/en-US/CSNE/Brandeis/](http://www.campusdish.com/en-US/CSNE/Brandeis/)

Student Phones and TV, Department of Library and Information Technology Services, Feldberg 20. <http://lts.brandeis.edu/techresources/telecom/index.html>

*University Computer Policy*, Department of Library and Technology Services, Feldberg 112. <http://lts.brandeis.edu/about/policies/computingpolicies.html>

## NOTES

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# **Brandeis University**

**Student Rights and Community Standards**

**415 South Street – MS 206**

**Waltham, MA 02454**

**Phone: 781-736-5070**

**Fax: 781-736-3579**

**[www.brandeis.edu/studentaffairs/sdc](http://www.brandeis.edu/studentaffairs/sdc)**