

# Student Rights and Code of Conduct

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## GENERAL STUDENT RIGHTS -

### Basic Rights

Plymouth State University students, as individuals, enjoy the same rights that are guaranteed to every citizen of the United States and the State of New Hampshire. The University affirms the right of students to freedom of expression, conscience, political and religious belief, and peaceful assembly and association. The University shall not infringe on any of these freedoms or any other student rights under federal or state law or University policy, including, but not limited to, the following rights:

#### Right to Freedom to Learn

The right to freedom to learn, which includes the right to freely examine, exchange, and debate diverse ideas, both inside and outside of the classroom.

#### Right to Freedom from Discrimination and Harassment

The right to pursue educational interests in an environment free from discrimination and harassment (including sexual harassment) in violation of federal or state law.

#### Right to Due Process

The right in major policy conduct matters to receive notification of the alleged violation, date, and location of the hearing, the right to participate in a fair hearing, and the right to appeal matters of judgment of academic performance and personal conduct.

#### Right to Federally Mandated Information

The right to information that is in compliance with federally mandated reporting requirements of universities. This includes information required through the Annual Security Report, Campus Crime Statistics, Drug Free Schools and Community Act of 1989, and Campus Sex Crimes Prevention Act.

#### Right to Participate in Student Governance

The right to participate in institutional governance and policy formation. The student senate is the student governing body of the University operating under a constitution approved by the University President before they become operative. The University President, by law, is the only person authorized to make such changes because they are charged legally with overseeing the entire operation of the University.

### Student Senate

The student body, in accordance with the Student Government Constitution, elects the membership of the Senate. Senate meetings are held weekly during academic session and are open to all students, faculty, and staff who wish to attend. A Senate member is the person to see if a student wished to bring a problem to the attention of the Senate.

### Student Government Constitution

The PSU Student Government Constitution is maintained and may be viewed in the Student Government Office.

## FREEDOM OF EXPRESSION AND ASSEMBLY -

As noted in General Student Rights, students enjoy the same rights that are guaranteed to every citizen of the United States and the State of New Hampshire. Among these rights are the freedoms of expression and peaceful assembly. Students are encouraged to freely examine, exchange, and debate diverse ideas, both inside and outside of the classroom. In doing so, however, students and others must comply with other, generally applicable, University policies.

## Speakers Corners

To facilitate robust debate and the free exchange of ideas, the University has established high visibility areas on campus as “Speakers Corners” that may be used by any person, including non-students and other campus guests, for expressive activities and related conduct, including the distribution of literature. This use may be without permission from the University so long as the area has not been previously reserved or scheduled for a particular function, no sound amplification is used, and the participants do not violate other University policies.

Designated Speakers Corners include:

1. The areas shaded green on [THIS](#) diagram of the Alumni Green, adjacent to the Hartman Union Building; and
2. The area between Harold E. Hyde Hall and Geneva Smith Hall.

Although it is not necessary for a person using one of the designated Speakers Corners to obtain prior permission from the University, the University encourages such persons to contact the Office of Student Life for scheduling purposes to minimize possible conflicts.

Nothing in this section shall be interpreted as limiting the right of student expression elsewhere on the campus so long as the expressive activities or related student conduct, including the distribution of literature, does not violate any other applicable University policies.

## Organized Student Demonstrations

If a student or student organization intends to initiate, sponsor, or host a demonstration or event that may draw a large crowd, require security, impede pedestrian or vehicular traffic, include a parade, march, or other similar activity, or pose a substantial risk of disrupting the functioning of the University or of violating any other University policy, the University requires that the student or student organization contact the Office of Student Life in advance of the activity. The Office of Student Life will work with the requesting student or student organization either to meet the request or to find a suitable time and location that balances the rights of the requesting student or student organization with the rights of others and the University’s educational mission.

The purpose of this policy is not to designate the University streets and common areas as a public forum or to accommodate demonstrations or protests by those who are not part of the University community (i.e., non-students and other campus guests). Rather, the purpose of this policy is to promote and facilitate student expression while allowing the University to make any necessary adjustments (such as arranging a parade route or providing security) to assure that such activities do not interfere with the University’s mission and operations or with the rights of others. Should an outside group wish to conduct an organized demonstration or to demonstrate in areas other than one of the Speakers Corners, the group should seek the sponsorship of a student organization.

## CONDUCT RULES AND REGULATIONS

The University Student Code shall apply to conduct that occurs on University premises, at University sponsored activities, and to off-campus conduct that adversely affects the University community and/or the pursuit of its objectives. Each student shall be responsible for their conduct from the time of enrollment through the actual awarding of a degree, even though conduct may occur before classes begin or after classes end, as well as during the academic year and during periods between terms of actual enrollment (and even if their conduct is not discovered until after a degree is awarded). The Student Code shall apply to a student’s conduct even if the student withdraws from school while a disciplinary matter is pending.

Any student found to have committed or to have attempted to commit the following misconduct is subject to the disciplinary sanctions outlined in Student Conduct Code Procedures:

1. Acts of dishonesty, including but not limited to the following:

- Cheating, plagiarism, or other forms of academic dishonesty (matters involving [academic integrity](#) are referred to and addressed by Academic Affairs).
- Furnishing false information or withholding pertinent information to any University official, faculty member, or office.
- Forgery, alteration, or misuse of any University document, record, or instrument of identification.

2. Disruption or obstruction of teaching, research, administration, disciplinary proceedings, other University activities, including its public service functions on or off campus, or of other authorized non- University activities when the conduct occurs on University premises.

3. Discriminatory Harassment–Discriminatory Harassment is (1) a pattern of targeted, unwelcome conduct (2) directed at an individual (3) that is discriminatory on the basis of race, color, religion, national origin, sex, gender, sexual orientation, gender identity or expression, age, veteran’s status, or disability and (4) that a reasonable person would determine is so severe, pervasive or objectively offensive that it

effectively denies a person equal access to the University's educational programs or activities. See the [PSU Equal Opportunity, Harassment and Nondiscrimination Policy](#).

4. Sexual Misconduct–Sexual misconduct includes behaviors that have been determined to constitute discrimination under Title IX of the Education Amendments of 1972.

- Sexual Harassment
  - Quid pro quo sexual harassment
  - Hostile environment sexual harassment
- Sexual Assault
- Dating Violence
- Domestic Violence
- Stalking
- Sexual Exploitation

See [PSU Equal Opportunity, Harassment and Nondiscrimination Policy](#).

5. Acts of a threatening or harmful nature, including but not limited to the following:

- Physical abuse, verbal abuse, threats, intimidation, harassment, self-harm, and/or any other conduct which threatens or endangers health, safety, or privacy of any person
- Illegal or unauthorized possession of firearms, explosives, other weapons or dangerous chemicals on University premises, or use of any such items, even if legally possessed, in a manner that harms, threatens or causes fear to others
- Obstruction of the free flow of pedestrians or vehicular traffic
- Creation or publication of an audio or video recording without the subject's consent if that person has a reasonable expectation of privacy or if the recording is prohibited by state law.
- Throwing or dropping objects from or at University property

6. Knowingly giving a false report of a crime or emergency or deliberately setting off a false fire alarm.

7. Attempted or actual theft of, vandalism, and/or damage to property of the University or property of a member of the University community or other personal or public property, on or off campus.

8. Hazing, defined as an act which endangers the mental or physical health or safety of a student, or which destroys or removes public or private property, for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in, a group or organization. The express or implied consent of the victim will not be a defense. Apathy or acquiescence in the presence of hazing are not neutral acts; they are violations.

9. Failure to comply with directions of University officials or law enforcement officers acting in the good faith performance of their duties and/or failure to identify oneself to these persons when requested to do so.

10. Unauthorized possession, duplication or use of keys/ID to any University premises or unauthorized entry to or use of University premises.

11. Violation of any University policy, rule, or regulation published in hard copy or available electronically on the University website (including but not limited to; Fire Safety policy and Residential Life Housing Lease and Dining Agreement, PSU Equal Opportunity, Harassment and Nondiscrimination Policy, Information Technology Acceptable Use Policy, and/or any public health/environmental health and safety protocols, bulletins or communications).

12. Violation of any federal, state or local law.

13. Possession, use, or evidence of use, manufacturing, or distribution of cannabis, heroin, narcotics or other controlled substances except as expressly permitted by law. See the University's complete policy on Cannabis and Other Drugs.

14. Use, possession, manufacturing, or distribution of alcoholic beverages (except as expressly permitted by University regulations), or public intoxication. Alcoholic beverages may not, in any circumstance, be used by, possessed by or distributed to any person under twenty-one (21) years of age. See the University's complete policy on Alcohol.

15. Initiating, attempting to initiate, or participating in a riot activity is not permitted. This is an activity where multiple persons act together and engage in aggressive or violent conduct that causes or has the potential to cause a threat or danger to a community. Some behaviors that may be considered riotous/group behavior (this list is not all inclusive) are setting fires, major disturbances of the peace, throwing bottles or other objects, damaging, destroying or defacing property, or obstructing, interfering with or disrupting university officials or law enforcement agents in performing their duties.

16. Theft or other abuse of computer facilities and resources, or any violation of the University Technology Policy. See the complete [Technology Policy](#).

17. Abuse of the Student Conduct System, including but not limited to:

- Falsification, distortion, misrepresentation, or withholding of pertinent information during a Student Conduct proceeding.
- Disruption or interference with the orderly conduct of a Student Conduct Board proceeding.
- A false allegation resulting in the institution of a student conduct proceeding in bad faith.
- Attempting to discourage an individual's proper participation in, or use of, the student conduct system.
- Attempting to influence the impartiality of a member of a Student Conduct Board prior to, and/or during the course of, the Student Conduct Board proceeding.
- Harassment (verbal or physical) and/or intimidation of a member of a Student Conduct Board prior to, during, and/or after a student conduct proceeding.
- Failure to comply with the sanction(s) imposed under the Student Code.
- Influencing or attempting to influence another person to commit an abuse of the student conduct code system.
- Student conduct proceeding participants are expected to maintain the privacy of the records shared with them. These records may not be shared with third parties, disclosed publicly, or used for purposes not explicitly authorized by the University.

### **Violation of Law and University Student Conduct**

University student conduct proceedings may be instituted against a student for conduct that potentially violates both the criminal law and the Student Code (that is, if both possible violations result from the same factual situation) without regard to the pendency of civil or criminal litigation in court or criminal arrest and prosecution. Proceedings under the Student Code may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus at the discretion of the Managing Director for Student Affairs. Determinations made or sanctions imposed under the Student Code shall not be subject to change because criminal charges arising out of the same facts giving rise to violation of University rules were dismissed, reduced, or resolved in favor of or against the criminal law defendant.

When a student is charged by federal, state, or local authorities with a violation of law, the University will not request or agree to special consideration for that individual because of his or her status as a student. If the alleged offense is also being processed under the Student Code, the University may advise off-campus authorities of the existence of the Student Code and of how such matters are typically handled within the University community. The University will attempt to cooperate with law enforcement and other agencies in the enforcement of criminal law on campus and in the conditions imposed by criminal courts for the rehabilitation of student violators (provided that the conditions do not conflict with campus rules or sanctions). Individual students and other members of the University community, acting in their personal capacities, remain free to interact with governmental representatives as they deem appropriate.

## **CONDUCT CODE PROCEDURES**

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### **Alleged Policy Violation and Student Conduct Board Hearings**

1. Any member of the University community may submit a report against another student for an alleged violation of the Student Code to Student Conduct and Community Standards. For assistance with the reporting process any member of the University community may schedule a time to meet with the Managing Director for Student Affairs. Any alleged violation should be submitted as soon as possible after the event takes place.
2. Depending on the alleged violation the Student may be required to meet with the Student Conduct Board to discuss the situation, meet for an informal hearing, participate in a restorative resolution, or participate in a formal hearing.
3. The Student has the opportunity to participate in a fair hearing.

4. All alleged violations shall be presented to the Student in written form, generally electronic correspondence. A time shall be set for a Student Conduct Board Hearing and the student will be notified.

5. Student Conduct Board Hearings shall be conducted by a Student Conduct Board according to the following guidelines (except extenuating circumstances as outlined in number 7):

- Student Conduct Board Hearings normally shall be conducted in private.
- Both Reporting and Responding parties and their advisors, if any, shall be allowed to attend the entire portion of the Student Conduct Board Hearing at which information is received (excluding deliberations). Admission of any other person to the Student Conduct Board Hearing shall be at the discretion of the Student Conduct Board and/or its Student Conduct Administrator.
- In Student Conduct Board Hearings involving more than one Responding Party, the Student Conduct Administrator, in their discretion, may permit the Student Conduct Board Hearings concerning each student to be conducted either separately or jointly.
- The Reporting Party and the Responding Party have the opportunity to have an advisor present during the hearing. The Student Conduct Board for the particular case should be notified, as soon as possible of the name and contact information of the advisor.
- The Reporting Party, the Responding Party and the Student Conduct Board may arrange for witnesses to speak at the hearing (if several witnesses will state the same information the number of witnesses may be limited). Witnesses must have relevant knowledge of the incident in question. The Student Conduct Board for the particular case must be notified, 48 hours prior to the hearing, of the names and contact information of witnesses (with the exception of new evidence that is directly relevant). The Reporting and Responding Party shall be notified of the witnesses that may be present at the Student Conduct Board Hearing. It is the involved Parties responsibility to obtain their witnesses and communicate the time and location of the hearing to them.
- If a student is engaged in the legal system for the same alleged violation they may have their attorney for that case present at the hearing to act as an advisor to the student. The schedules of lawyers will not be taken into consideration in determining the timeline of the University's Student Conduct process. In order to maintain fairness towards all parties involved in the hearing process, if an attorney is allowed to attend they are only allowed to speak to their client, not on behalf of their client.
- Pertinent records, supporting documentation, and written statements may be accepted as information for consideration by a Student Conduct Board at the discretion of the chairperson. The Reporting Party and Responding Party have the opportunity to view the documented evidence prior to the Student Conduct Board Hearing (Victim Impact Statement may be submitted for consideration after a finding has been reached, prior to sanctioning).
- All procedural questions are subject to the final decision of the Managing Director for Student Affairs.
- After the portion of the Student Conduct Board Hearing concludes in which all pertinent information has been received, the Student Conduct Board shall determine (by majority vote if the Student Conduct Board consists of more than one person) whether the Responding Party has violated each section of the Student Code which the student is alleged to have violated.

6. Preponderance of evidence standard; The Student Conduct Board's determination shall be made on the basis of whether it is more likely than not that the Responding Party violated the Student Code. Formal rules of process, procedure, and/or technical rules of evidence, such as are applied in criminal or civil court, are not used in Student Code proceedings. If a Responding Party, with notice, does not appear before a Student Conduct Board Hearing, the information in support of the alleged violation shall be presented and considered even in their absence.

7. The Student Conduct Board may accommodate concerns for the personal safety, well-being, and/or fears of confrontation between Parties, and/or other witness during the hearing. In as such, by providing separate facilities, and/or by permitting participation by speaker phone, video conference, written statement, or other means, as necessary under the determination of the Managing Director for Student Affairs.

## **Sanctions**

1. The following sanctions may be imposed upon any student found to have violated the Student Code:

- Warning—A notice in writing to the student that the student is violating or has violated University policy.
- Probation—A written reprimand for violation of the Student Code of Conduct. Probation is for a designated period of time and includes the probability of more severe disciplinary sanctions if the student is found to violate policy during the probationary period.
- Loss of Privileges—Denial of specified privileges for a designated period of time.
- Financial charges—Previously established and published charges may be imposed.

- Restitution—Compensation for loss, damage, or injury. This may take the form of appropriate service and/or monetary or material replacement.
- Discretionary Sanctions—Work assignments, essays, service to the University, or other related discretionary assignments.
- Alcohol and Other Drug Sanctions (AOD)—Educational sanctions related to alcohol and/or drug use. A fee will be billed to your student account for enrollment in AOD educational sanctions as follows; one hundred and fifty dollars for the first AOD violation, three hundred dollars for a second or any subsequent AOD violation.
- Residence Hall Suspension—Separation of the student from the residence halls for a definite period of time, after which the student is eligible to return. Conditions for readmission may be specified. Students who are suspended from residential life due to a conduct matter are not eligible for a housing or dining refund.
- Residence Hall Expulsion—Permanent separation of the student from the residence halls. Students who are expelled from residential life due to a conduct matter are not eligible for a housing or dining refund.
- University Suspension—Separation of the student from the University for a definite period of time, after which the student is eligible to return. Conditions for readmission may be specified. Students who are suspended from the University due to conduct matters are not eligible for any refunds including but not limited to housing, tuition, dining and fees. Student who are suspended are not eligible to be on campus for any reason during the duration of the suspension.
- University Expulsion—Permanent separation of the student from the University. Students who are expelled from the University due to conduct matters are not eligible for any refunds including but not limited to housing, tuition, dining and fees. Students who are expelled from the University are not eligible to be on campus for any reason.
- Revocation of Admission and/or Degree—Admission to or a degree awarded from the University may be revoked for fraud, misrepresentation, or other violation of University standards in obtaining the degree, or for other serious violations committed by a student prior to graduation.
- Withholding Degree—The University may withhold awarding a degree otherwise earned until the completion of the process set forth in the Student Conduct Code, including the completion of all sanctions imposed, if any.

2. More than one of the sanctions listed above may be imposed for any single violation.

3. Other than University expulsion or revocation or withholding of a degree, disciplinary sanctions shall not be made part of the student's permanent academic record, but shall become part of the student's disciplinary record. Upon graduation, the student's disciplinary record may be expunged of disciplinary actions other than residence hall expulsion, University probation, University suspension, University expulsion, or revocation or withholding of a degree, upon application to Student Conduct and Community Standards. In situations involving both a Responding Party (or group or organization) and a Reporting Party, the records of the process and of the sanctions imposed, if any, shall be considered the education records the Responding Party.

4. The following sanctions may be imposed upon groups or organizations:

- Any sanction listed above.
- Loss of selected rights and privileges for a specified period of time.
- Deactivation. Loss of all privileges, including University recognition, for a specified period of time.

5. In each case in which a Student Conduct Board determines that a student and/or group or organization has violated the Student Code, the sanction(s) shall be determined and imposed by the Student Conduct Administrator. In cases in which persons other than, or in addition to, the Student Conduct Administrator have been authorized to serve as the Student Conduct Board, the recommendation of the Student Conduct Board shall be considered by the Student Conduct Administrator in determining and imposing sanctions. The Student Conduct Administrator is not limited to sanctions recommended by members of the Student Conduct Board. Following the Student Conduct Board Hearing, the Student Conduct Board and the Student Conduct Administrator shall advise the Accused Student, group and/or organization (and a complaining student who believes they are the victim of another student's conduct) in writing of its determination and of the sanction(s) imposed, if any.

## **Major Violations**

The following acts will likely result in suspension and may result in expulsion (This is not an all inclusive list). In addition, immediate interim suspension may be imposed:

- Sexual assault or attempted sexual assault.
- Physical assault.

- Sale, distribution or evidence of intent to sell or distribute illegal drugs.
- Possession or evidence of use of illegal drugs, other than cannabis.
- Multiple violations of the alcohol and cannabis policies.
- Arson or attempted arson.
- The commission and conspiracy to commit hate crime related activities.
- Instigating or attempting to instigate a riot, including kindling a fire without a permit.
- Intentional damage or destruction of university property.
- Throwing or dropping potentially dangerous objects from or at university property.
- Maliciously causing a false fire alarm.
- Disabling of fire safety equipment.

## Interim Suspension

In certain circumstances, the Managing Director for Student Affairs, or a designee, may impose a University or residence hall suspension prior to the Student Conduct Board Hearing before a Student Conduct Board.

1. Interim suspension may be imposed only: a) to ensure the safety and well-being of members of the University community or preservation of University property; b) to ensure the student's own physical or emotional safety and well-being; or c) if the student poses an ongoing threat of disruption of, or interference with, the normal operations of the University.
2. During the interim suspension, a student may be denied access to the residence halls and/or to the campus (including classes) and/or all other University activities or privileges for which the student might otherwise be eligible, as the Managing Director for Student Affairs or the Student Conduct Administrator may determine to be appropriate.
3. The interim suspension does not replace the regular process, which shall proceed on the normal schedule, up to and through a Student Conduct Board Hearing, if required.

## Appeals

1. A decision reached by the Student Conduct Board or a sanction imposed by the Student Conduct Administrator may be appealed by the Accused Student(s) or Complainant(s) to an Appellate Board within four (4) business days (by 4:30 pm) of the decision. Such appeals shall be in writing and submitted electronically via the [Appeal form](#).
2. Except as required to explain the basis of new information, an appeal shall be limited to a review of the information of the Student Conduct Board Hearing and supporting documents for one or more of the following purposes:
  - Hearing was not fair or due process was not followed. (Degree of due process varies with the significance of the potential outcome).
  - Sanction is not appropriate for the violation. (May not be applicable for standard sanctions).
  - There is new evidence that was not available at the time of the hearing. (Evidence must be substantial enough to change the outcome).
  - Submitting a Petition for an Appeal does not guarantee that an appeal will occur. The petition provides information to the Appellate Board to determine whether or not there is a basis for an appeal.
3. If an appeal is granted the decision and/or sanctions may be upheld, amended (increased or decreased), or overturned.

## INTERPRETATION AND REVISION

A. Any question of interpretation or application of the Student Code shall be referred to the Managing Director for Student Affairs or their designee for final determination.

B. The Student Code of Conduct will be reviewed every year under the direction of the Managing Director for Student Affairs. The Student Code of Conduct is subject to change due to federal mandate, legislation, or recommended best practice in higher education.

## Harassment (including Sexual Harassment)

Students and other members of the University community have the right to surroundings free of conduct that unreasonably interferes, hinders, or otherwise denies another person a suitable educational or workplace environment. Therefore, students and other members of the University community may not engage in conduct that constitutes harassment, including sexual harassment, as described below.

### Harassment in the Educational Environment

In the educational environment, for conduct to constitute harassment under this policy, it must include more than the mere expression of views, words, symbols, or thoughts that another person finds offensive. The conduct must be: (1) unwelcome; (2) discriminatory on the basis of race, color, religion, sex, national origin, sexual orientation, age, disability, genetic information, veteran's status, or other protected class under federal or state law; (3) directed at an individual; and (4) so severe, pervasive, and objectively offensive (i.e., it would be offensive to a reasonable person in the victim's position, considering all of the circumstances), and so undermine and detract from the victim's educational experience, that the victim is effectively denied equal access to the University's resources and opportunities. This type of harassment is traditionally referred to as "hostile environment" harassment.

Unwelcome conduct of a sexual nature (i.e., sexual advances, requests for sexual favors, or other verbal, non-verbal, or physical conduct of a sexual nature) that is so severe, pervasive, and objectively offensive as to violate this policy (as described above) constitutes sexual harassment. Sexual harassment in this context is a form of hostile environment harassment. When a faculty or staff member, however, conditions an educational decision or benefit on a student's submission to unwelcome conduct of a sexual nature, the sexual harassment is traditionally referred to as "quid pro quo" harassment. Students are not generally given responsibility over other students and, thus, generally cannot engage in quid pro quo harassment.

Students who believe that they have been the victim of harassment, including sexual harassment, should contact the Title IX Coordinator or the Director of Human Resources.

### Harassment in the Workplace Environment

The legal standards for harassment, including sexual harassment, in the workplace environment are different than in the educational environment. This is because students and faculty in the educational environment have robust speech rights, including the right to freely examine, exchange, and debate diverse ideas, both inside and outside of the classroom. The same is not necessarily the case in the workplace environment, where employees are subject to their employers' reasonable restrictions.

The University's policies regarding harassment, including sexual harassment, in the workplace environment are available in the Online Policy Manual (OLPM) at PSU.V.B.4. These policies apply not only to faculty and staff, but also to students employed by the University. Student employees may not engage in conduct that constitutes workplace harassment, including sexual harassment.

Student employees who believe that they have been the victim of workplace harassment, including sexual harassment, should contact the Title IX Coordinator or the Director of Human Resources. Please note that faculty and staff, as part of their job requirements, are responsible for preventing, reporting, and eliminating discrimination and harassment in their respective departments and work areas, and must act upon any information received that relates to potential discrimination or harassment. See OLPM PSU.V.B.4.6.

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See, generally, *Davis v. Monroe County Board of Education*, 526 U.S. 629 (1998); US Department of Justice, Office of Civil Rights, "Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties," January 2001; and US Department of Justice, Office of Civil Rights, "Dear Colleague" Letter, July 28, 2003.

## BIAS INCIDENTS

The University defines a "bias complaint" as "any report of a threat or act of harassment or intimidation – verbal, written or physical – which is personally directed against or targets a Plymouth State University community member because of that student's age, color, disability, marital status, national or ethnic origin, political affiliation, race, religion, sex (including pregnancy), sexual orientation, veteran status or family medical or genetic information."

The University encourages prompt reporting of bias complaints so that it can evaluate the alleged facts for possible violation(s) of University policy, including the Code of Conduct, and refer such complaints to law enforcement when an independent investigation for violation(s) of criminal law may be warranted.



Although the expression of an idea or point of view may be offensive or inflammatory to some, it is not necessarily a violation of law or University policy. The University values and embraces the ideals of freedom of inquiry, freedom of thought, and freedom of expression, all of which must be vitally sustained in a community of scholars. While these freedoms protect controversial ideas and differing views, and sometimes even offensive and hurtful words, they do not protect personal threats or acts of misconduct, which violate criminal law or University policy. Often times, bias-motivated offenses do not rise to the level of a crime that can be charged in court. These acts may be considered hate or bias-related incidents. Although they may not meet the definition of a crime, they leave individuals feeling victimized. Plymouth State University values each person within our community and expects students who enroll to agree with our values. If a student is unclear about our University values, they should question those values in a manner that is thoughtful, meaningful, and done in a way that builds a dialogue within the campus community. If there are times when a student believes an incident has occurred where a violation of University policy has occurred or wants to discuss a situation to understand if a potential violation has occurred, we want students to make inquiries about these incidents so that the student feels supported. At times, the University may facilitate a dialog about how words or actions may be painful to others and not align with our University values. If there is any type of alleged violation or incidents that is harassing, discriminating, or threatening, a student (or University community member) should report the incident to University Police, the Student Conduct and Community Standards, or any Residential Life staff member. Once a report is filed, the right to due process will be applied and followed. As the report is filed, the University will also maintain statistics to these types of incidents and report them through annual reports filed.

The University will not tolerate discrimination or harassment in the academic setting or in its programs or activities. The code of conduct outlines the investigatory process of complaints or violations of bias incidents or bias-related incidents. Complaints may be filed alleging discrimination or harassment on the basis of a protected category and/or retaliation for complaining of discrimination or harassment or assisting with or participating in the complaint process.

For more information on General Student Rights and University policy violations, scroll up to the section on General Student Rights at the top of this page.

If you are a victim or witness of what you believe to be a bias or bias-based incident and or a violation of state or federal law, it is important that you report it to law enforcement or to Student Conduct and Community Standards. You may also submit a [Bias Incident form](#).

## **SEXUAL HARASSMENT (INCLUDING SEXUAL ASSAULT)**

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[The University's policy on Sexual Harassment](#), including sexual assault, sexual harassment, dating violence, domestic violence, stalking, and sexual exploitation.

## **ALCOHOL, CANNABIS AND OTHER DRUGS**

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### **Preamble**

Plymouth State University believes that the overall health of its members is dependent on their ability to set standards for alcohol and other drug use, and to live by them in all their affairs. With respect to the use of alcohol and other drugs, it is the position of the Plymouth State University community that:

1. The use of alcohol or other drugs has many clearly identified risks and consequences.
2. Everyone should seek to understand when the use of alcohol or other drugs puts them and others at increased risk for health or impairment problems. Examples include but are not limited to:
  1. When full cognitive function is needed – school work, class attendance, or employment responsibilities;
  2. When there is a history of alcohol or other drug addiction in the family;
  3. While engaged in athletics or other physical activities as well as when training for such endeavors;
  4. While operating complex and/or dangerous equipment – laboratory equipment, motor vehicles, power tools, etc.;
  5. While taking certain medications for a wide variety of illness or disorders;
  6. While responsible for the supervision, safety, and well-being of others;
  7. While pregnant;
  8. While recovering from chemical dependency.
3. Plymouth State University both supports and complies with the Drug-Free Workplace Act of 1988 (P.L. 100-600) and the Drug-Free Schools and Communities Act Amendments of 1989 (P.L. 101-226).

4. Although the legal use of alcohol and other drugs is a personal choice, the illegal use is a violation of the Plymouth State University Alcohol and Other Drug Policy.
5. Moreover, ignorance of local, state and federal laws or campus regulations does not provide protection from these laws or regulations if they are violated.

In an effort to educate the Plymouth State University community and to comply with the requirements of the Drug-Free Schools and Communities Act Amendments of 1989, the following information is provided:

1. The University's alcohol policy, including the policy for alcoholic beverage services at University events or activities.
2. The University's cannabis and other drug policy.
3. A description of alcohol and other drug counseling, treatment, rehabilitation and educational programs available to members of the university community; including sanctions required for students found responsible for a violation of PSU Alcohol, Cannabis, and Other Drug policies.
4. A summary of local and state laws governing the unlawful possession or distribution of illicit drugs and alcohol.

## **Alcohol Policy**

- Students, faculty, and staff are expected to comply with local, state, and federal laws relating to the possession, use, or distribution of alcohol and other drugs when they are on university property or taking part in university activities.
- The consumption of alcohol by students, faculty, and staff of legal age, on university property or during university activities, is a privilege and not a right.
- Due to concerns for personal safety, safety of others and for the image of the university, it is expected, that discretion be used when consuming alcoholic beverages either on or away from university property.
- Those that do choose to consume alcohol should know and respect their own limits and practice legal and low-risk drinking behaviors.
- The influence of alcohol will not excuse or justify, an individual's actions, which are a violation of state, federal or local laws, university regulations, or the rights of others.
- Any individual or group who provides or procures alcohol for another person shares in the responsibility for that person's behavior and safety while under the influence of alcohol.

### ***The following are against PSU policies:***

1. Unlawful use or possession, internal or external, of alcohol.
2. Providing, procuring, supplying or distributing alcohol to a minor.
3. Providing an environment for an underage person to consume alcohol.
4. Severe intoxication.
5. Threat to self or others while under the influence of a substance.
6. Abuse or misuse of a substance.
7. Inappropriate conduct while under the influence of a substance.
8. Administering alcohol to a person for the purpose of inducing his or her incapacity.

### ***The following are against university housing policies:***

1. Keg and/or other large common source of alcohol.
2. Underage person in the presence of alcohol.
3. Alcohol paraphernalia with information of use or intent to be used illegally or in violation of university policy. Examples include, but are not limited to: empty containers, including those used for decoration; alcohol container boxes; funnels.

### ***EXCEPTIONS to university housing policies:***

Of age students living in residence halls may store and consume alcohol in their room under the following circumstances:

- No alcoholic beverage may be opened or consumed while any underage person is present in the room.
- The room door remains closed when an alcoholic beverage is open.

- No other Alcohol and Other Drug (AOD) policy is violated.

***Of age students living in university apartments may store and consume alcohol in their apartment under the following circumstances:***

- No alcoholic beverage may be opened or consumed while any underage person (with the exception of underage roommates) is present in the apartment.
- No other AOD policy is violated.

***Underage students living in the University apartments may be in the presence of alcohol if:***

- They are within their assigned apartment, and
- They are not consuming alcohol, and
- They have at least one roommate who is 21 or older.

***Policies and Procedures for Alcoholic Beverage Services for University Events/ Activities***

Plymouth State University believes it is appropriate that alcoholic beverage services be allowed at some university activities and does periodically provide such service for student organizations, Faculty/Staff department sponsored activities, and for summer conferences and off campus groups. Procedures and policies that pertain to the service of alcoholic beverages are as follows:

A. All New Hampshire laws relating to the service of alcoholic beverages must be adhered to at all times. All Town of Plymouth ordinances that pertain to alcoholic beverage service and “open container” of alcohol laws must be adhered to on university property.

B. PSU students who are sponsoring an event on university property and desire to have alcoholic beverage services provided at the event must seek approval through the Assistant Vice President for Student Affairs, Student Life. Any other persons who are sponsoring an event and desire to have alcoholic beverage services provided at the event must seek approval through the Manager of Conferences and Special Events. Depending on the specific size, type, and location of the activity, it will be determined whether the food service catering license or a one-day permit to serve alcoholic beverages will be needed. No alcoholic beverages can be sold at any function that occurs on university property without the proper state license. Only authorized staff of the food service company or a department possessing a state-granted one-day permit will be allowed to serve alcoholic beverages.

1. Exceptions. The following will be exempted from procedural provisions of this section and shall be approved on a case by case basis by the institution. Under no conditions will students participate in these events.
2. Official university events sponsored by the PSU Office of the President.
3. Events held at Frost Academic Commons utilizing the university’s food service catering liquor license and served by such authorized staff.
4. Frost Academic Commons Board must notify the President and Provost for approval to sponsor faculty events that include alcoholic beverages. All such events must be in accordance with Frost Commons Board procedures.

C. Non-alcoholic beverages and food must be provided at any event where alcoholic beverages are available.

D. BYOB (Bring Your Own Bottle) events are not permitted at Plymouth State University.

E. Persons may be refused alcoholic beverage service if they are not in possession of a picture identification card with positive date of birth (driver’s license, passport, or military identification card as per N.H. State Law).

F. See Residential Life policies pertaining to use and possession of alcoholic beverages in university residential housing and facilities.

G. Alcoholic beverages should not be served or consumed in academic classrooms or in any offices on campus. Service of alcoholic beverages will only be approved for function or meeting rooms on campus. There may be special occasions when alcoholic beverages will be allowed in campus dining facilities.

H. Alcoholic beverages are not allowed in university vehicles.

I. Due to N.H. State laws, liability issues and concern for the health and well- being of individuals, alcoholic beverage servers will not serve anyone who is intoxicated (adopted by PSU President Wharton, and effective 11/30/94).

**Cannabis and Other Drugs Policy**

Possession, use, or evidence of use, manufacturing, or distribution of cannabis or other drugs, except as expressly permitted by law, is a violation of University policy.

All on-campus violations in which drugs or drug paraphernalia are present will result in a call to the University Police. Off-campus violations for possession or use of illegal drugs are reported by police to Student Conduct and Community Standards.

The following will likely result in suspension and may result in expulsion:

1. Sale, distribution, or evidence of intent to sell or distribute illegal drugs.
2. Possession or evidence of use of illegal drugs, other than cannabis.

## **COUNSELING, TREATMENT, REHABILITATION AND EDUCATIONAL PROGRAMS**

The Plymouth State University Counseling Center offers substance abuse education and counseling free of charge to any full-time student that seeks this service.

All first-year students are encouraged to complete two online courses; *Alcohol Wise* and *Consent and Respect*, prior to their arrival on campus.

Students found responsible for a violation of the University's alcohol, cannabis, or other drug policies are sanctioned to appropriately corresponding alcohol, cannabis, or other drug educational courses. The following is a list of courses that are currently available:

- *Under the Influence*: an online course offered by 3rd Millennium Classrooms
- *Marijuana 101*: an online course offered by 3rd Millennium Classrooms
- *OCTAA*: an in-person, 12-hour alcohol course, utilizing the
- *Prime For Life* curriculum
- *Impact*: an online substance use survey and scheduled review meeting
- Alcohol or Other Drug (AOD) Assessment: an assessment with a licensed alcohol and drug counselor

Additional community resources can be found on the [PSU Counseling Center](#) web site.

## **FIRE SAFETY, PREVENTION, AND EVACUATION**

Primary responsibility for fire prevention rests with the student. Individuals are responsible for responding to an evacuation and exiting any campus building.

If a student needs assistance to evacuate a building in response to an alarm or announced evacuation, it is his/her responsibility to make reasonable arrangements with the surrounding community members.

1. Fire extinguishers, fire fighting equipment, or life safety equipment may not be indiscriminately used or misused.
2. Automatic door closures may not be removed or dismantled without authorization from an appropriate university official.
3. Doors with automatic door closures may not be propped. (Unless given permission by a university official and guidelines are followed).
4. Fire safety equipment (i.e. fire extinguishers, smoke detectors, or sprinklers) may not be tampered with or damaged.
5. Maliciously, purposely, or recklessly causing false fire alarms including but not limited to pulling a fire pull station or setting off a smoke detector is not permitted.
6. A person discovering a fire should set off an automatic fire alarm, call 911, and report the location of the fire to the nearest university staff member.
7. A person may not interfere with the actions of university or civil authorities responding to a fire emergency.
8. Flammable materials may not be improperly used. The use of candles, incense and smoking materials are not permitted on campus.
9. Corridors and fire escapes may not be obstructed.
10. If a fire alarm sounds, whether real, false or a drill, all procedures must be followed by all residents and guests of the building. Students must leave their room and exit the building immediately.
11. Windows and doors should be closed and the main light left on in each room when the room is exited.
12. Persons are to leave a building by the nearest safest exit.
13. Starting a fire or attempting to start a fire without an appropriate fire permit is not allowed.
14. Use, possession or storage of fireworks is prohibited.

## Philosophy

1. The health and safety of members of the Plymouth State University community is a primary concern.
2. Students need to seek immediate medical attention for themselves or others when someone's health and/or safety are at risk.
3. Students may be reluctant to seek assistance for themselves or someone else for fear of facing student conduct action.
4. Plymouth State University seeks to remove barriers that prevent students from seeking the medical attention they need.
5. Our mission seeks to build a community where students are active and engaged participants sharing in the responsibility of caring for others. This policy is geared towards building structures and policies to support a caring and nurturing environment.

## Policy

*Note: This policy only provides amnesty from violations of the PSU Student Code of Conduct. It does not grant amnesty for criminal, civil, or legal consequences for violations of federal, state, or local law.*

1. Students who seek emergency medical attention for themselves related to consumption of alcohol or other drugs, will not be charged with violations of the university policy related to that consumption, provided that the student subsequently completes an alcohol education program and/or counseling, within a reasonable time frame to be determined by Students Conduct and Community Standards. Failure to complete this evaluation/treatment may result in charges being filed with the Student Conduct and Community Standards.
2. Students who seek emergency medical attention for someone else will not be charged with violations of the PSU policy related to consumption of alcohol or other drugs. Where appropriate, an alcohol education program and/or counseling may be recommended.
3. This policy applies only to those students who seek emergency medical assistance in connection with an alcohol or other drug related medical emergency and does not apply to individuals experiencing an alcohol or drug-related medical emergency who are discovered by university employees. (i.e. university police, residential life staff, other PSU faculty or staff).
4. The PSU medical amnesty policy is not intended to shield or protect those students who repeatedly violate alcohol and other drug policies. In cases where repeated violations of the PSU policies occur, the university reserves the right to take conduct action on a case by case basis regardless of the manner in which the incident was reported. This policy does not preclude disciplinary action regarding other violations of university standards, such as causing or threatening physical harm, sexual abuse, damage to property, harassment, hazing, etc.
5. The hearing officer reserves the right to contact any student to discuss an incident whether or not the PSU medical amnesty policy is in effect.

Plymouth State University maintains for each student who has interacted with the conduct system, an electronic record that may include the nature of the violation, the sanction imposed and other pertinent information regarding the incident. Conduct records are maintained on a secure database accessible only by the Managing Director for Student Affairs and their designee. The conduct record is separate from the student's academic record, but is considered to be part of the student's entire 'educational record'. Students who wish to access their student conduct record can schedule an appointment with Student Conduct and Community Standards.

### Prior Disciplinary/Conduct Records

If a student is found responsible for a policy violation his or her prior conduct record may be taken into consideration in determining a sanction for the current violation. Having a prior conduct record may result in a more severe sanction(s). Prior conduct records may include, but are not limited to, previous violations, previous sanctions, failure to complete sanctions, residence hall log entries, etc.

### Purging of Conduct Files

Other than University expulsion or revocation or withholding of a degree, student conduct sanctions shall not be made part of the student's permanent academic record, but shall become part of the student's conduct record. Following graduation or withdrawal from the University, the student's conduct record may be purged of conduct actions other than pending conduct matters, residence hall expulsion, University probation, University suspension, University expulsion, or revocation or withholding of a degree, upon application to Student Conduct and Community Standards. Only violations of an Alcohol or Other Drug policy and/or a probationary sanction or higher will be released as part of a background check, unless a signed authorization of consent to release all records/information is provided.

Written conduct records of students who have been expelled or who left with pending conduct matters may be maintained indefinitely.

The university, for longitudinal records, may retain conduct records in the computer information system indefinitely.

### **Conduct Notations on Transcripts and Notification to USNH Institutions**

If a student is suspended or expelled from Plymouth State University a 'student conduct withdrawal' is noted on the student's official transcript. In the case of suspension the student will be ineligible to register or attend classes at any University System of New Hampshire (USNH) institution for the duration of the suspension. In the case of expulsion the student may never return to Plymouth State University. Additionally, the student will be ineligible to register or attend classes at any other USNH institution for two years following the date of the expulsion.

If a student is in alleged violation of a Plymouth State University policy and withdraws from the university prior to participating in the student conduct process, the other USNH institutions may be notified and the student may be ineligible to register for or attend classes at any of those institutions as long as the conduct matter remains pending.

### **DEFINITIONS**

1. The term "University" means Plymouth State University.
2. The term "student" includes all persons taking courses at the University, either full-time or part-time, pursuing undergraduate, graduate, or professional studies. Persons who withdraw after allegedly violating the Student Code of Conduct (Student Code), who are not officially enrolled for a particular term but who have a continuing relationship with the University or who have been notified of their acceptance for admission and have enrolled are considered "students" as are persons who are living in University residence halls, although not enrolled in this institution. The Student Code does apply at all locations of the University, including the New Hampshire campuses and all satellite locations.
3. The term "faculty member" means any person hired by the University to conduct classroom or teaching activities or who is otherwise considered by the University to be a member of its faculty.
4. The term "University official" includes any person employed by the University, performing assigned administrative or professional responsibilities.
5. The term "member of the University community" includes any person who is a student, faculty member, University official or any other person employed by the University.
6. The term "University premises" includes all land, buildings, facilities, and other property in the possession of or owned, used, or controlled by the University (including adjacent streets and sidewalks).
7. The term "organization" means any number of persons who have complied with the formal requirements for University recognition.
8. The term "Student Conduct Board" means any person or persons authorized by the Managing Director for Student Affairs to determine whether a student has violated the Student Code and to recommend sanctions that may be imposed when a violation has been committed.
9. The term "Student Conduct Administrator" means a University official authorized on a case-by-case basis by the Managing Director for Student Affairs to impose sanctions upon any student(s) found to have violated the Student Code. The Managing Director for Student Affairs may authorize a Student Conduct Administrator to serve simultaneously as a Student Conduct Administrator and the sole member or one of the members of the Student Conduct Board. The Managing Director for Student Affairs may authorize the same Student Conduct Administrator to impose sanctions in all cases. The Managing Director for Student Affairs may serve as the Student Conduct Administrator.
10. The term "Appellate Board" means any person or persons authorized by the Managing Director for Student Affairs to consider an appeal from a Student Conduct Board's determination as to whether a student has violated the Student Code or from the sanctions imposed by the Student Conduct Administrator.
11. The term "shall" is used in the mandatory sense.
12. The term "may" is used in the permissive sense.
13. The Managing Director for Student Affairs is the person designated by the University President to be responsible for the administration of the Student Code.
14. The term "policy" means the written regulations of the University as found in, but not limited to, the Student Code, Residential Life Lease and Dining Agreement, the University Technology policy, and Graduate/Undergraduate Catalogs.

15. The term “Complainant” means any person who submits a complaint alleging that a student violated the Student Code. When a student believes that s/he has been a victim of another student’s misconduct, the student who believes s/he has been a victim will have the same rights under the Student Code as are provided to the Complainant, even if another member of the University community submitted the complaint itself.

16. The term “Accused Student” means any student accused of violating the Student Code.

## INFORMATION FOR

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[Current Students](#)

[Parents and Families](#)

[Alumni](#)

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## QUICK LINKS

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## CONTACT US

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