

**BABSON COLLEGE'S COMMUNITY STANDARDS  
2016-2017**

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## **PART I – INTRODUCTORY INFORMATION**

### **VALUES STATEMENT**

Integrity and respect for the community, both in and out of the classroom, are recognized by Babson College as core values. Flowing from these core values, the College has defined a set of expectations for all of its members. The College expects all students and student groups will do their utmost to embrace Babson's core values and subsequent expectations. In doing so, students and student groups will contribute to the development of Babson as a positive living and learning community.

### **JURISDICTION**

Babson College assumes that all students and student groups will abide by College policies and by state, local, and federal law. In addition, the College strives to be a good neighbor to the surrounding community. Therefore, it is expected that students and student groups will observe the same standards and expectations whether they are on or off campus. The College may review any information regarding the conduct of a student or student group while off-campus to determine if they/it has acted in compliance with local, state, and federal law and College policies. Student conduct that has an adverse impact upon the educational mission, reputation, or operations of the College also will be reviewed. The College reserves the right, in its sole discretion, to determine whether an off-campus incident, involving one or more students or a student group, shall be subject to a review by the College's student conduct process. The College also reserves the right to sanction any student found guilty, who pleads no contest, is subject to a continuation without a finding or is found guilty in a court of law for a violation of law. In these instances, disciplinary action will be administered by the vice president for student affairs and dean of students or designee.

The College's community standards apply to a student's conduct from the time of application for admission through the actual awarding of a degree. This includes conduct that occurs before classes begin or after classes end, during periods between terms of actual enrollment, during a leave of absence or other period of withdrawal. In the event of a violation committed while still enrolled but unresolved or reported after the respondent has taken a leave of absence, is withdrawn from the College or has graduated, the College may proceed with the student conduct process. In the case of serious misconduct, the College reserves the right to rescind a graduated student's degree and/or withhold a degree until a matter is resolved. When the College is investigating a serious violation of policy, the College will place a hold on the student's transcript until the matter has been resolved. Should the student request a transcript while the hold is placed on their account, a notation will be placed on their account to indicate that there is a pending investigation. Upon resolution of the matter, the College will apply the relevant transcript notation, when applicable and according to the definition of the sanction assigned to the respondent. Additionally, all students are responsible for the contents of their rooms, cars, or person. Please see the Room Search Policy in the Residence Hall Expectations section of this [Undergraduate Student Handbook](#) for more information.

### **STUDENT GROUPS**

Student groups (including but not limited to registered student organizations, varsity athletic teams, club sports, Greek letter organizations, and special-interest living communities) may be held accountable either through the Office of Community Standards and/or by the office that oversees the group. The officers or the leaders of the student group are usually expected to represent the group during the student conduct process. The College's policies do not preclude holding certain members of an organization accountable for their individual acts committed in the context or in association with the group's alleged violation of College policy.

**HOW TO REPORT**

Violation of the guidelines and requirements contained in this document and other College policies and pronouncements constitutes grounds for a valid complaint by any member of the Babson community. Reports of alleged violations of these standards can be submitted in writing to the assistant dean of Community Standards or to the Office of Public Safety by any member of the Babson community. A standard student conduct incident report, Office of Public Safety report, or a personal letter are all appropriate means by which referrals are made. The vice president for student affairs and dean of students, or designee, reviews the alleged misconduct in order to determine whether the conduct in question is a violation of College policies, rules, or regulations, and identifies those specific charges that may be brought against the student. If appropriate, the vice president for student affairs and dean of students, or designee, may refer certain matters to the Office of Public Safety and/or the Needham or Wellesley police departments for further disposition. *Part V* of this document details this process.

**RECORD RETENTION POLICY**

Student conduct files are maintained separately from any other academic or official file at the College by the Office of Community Standards. Generally, records will be retained for seven (7) years after the date of an incident unless: 1. we are mandated to maintain the record in compliance with federal, state, or local law or College policy; 2. the case resulted in an expulsion or a rescission of acceptance, in which case the student's entire conduct file will be retained indefinitely. Every student may review, upon written request, all non-confidential contents of their conduct file to the extent permitted by law. Audio recordings of hearings are used for the request for reconsideration process only and are not considered a part of the student conduct file. Audio recordings are generally retained until the appeal process, after which they are destroyed.

**ACCOMMODATIONS FOR STUDENTS WITH DISABILITIES**

Reasonable accommodations will be provided to students with disabilities in accordance with applicable law. A student with a disability who desires an accommodation for any student conduct-related meeting must follow the procedure for requesting an accommodation through the Learning Center. The Learning Center will make a determination regarding the request and notify the appropriate parties. A student will not be considered to have a disability unless the student registers with the Learning Center. Please contact the Learning Center by calling 781-239-5509 or by emailing [mpowell@babson.edu](mailto:mpowell@babson.edu). You can also get more information on the [Babson Hub](#).

## **PART II: COLLEGE POLICY DEFINITIONS**

The following list of behaviors is intended to represent the types of acts that constitute a violation of Babson's community standards. Although the list is extensive, it should not be regarded as all-inclusive. All community members are responsible for knowing and observing the College's policies and procedures.

Students and/or student groups that are found to have violated College policy are subject to disciplinary action. Any attempt to violate College policies is considered sufficient information for having committed the violation itself. Students are responsible for the consequences of their actions even when the conduct may have been influenced by their physical or emotional state (irrespective of any medical or clinical diagnosis) and/or by their use of alcohol and/or other drugs.

### **ABUSE OF COLLEGE RESOURCES**

Students who demonstrate a lack of regard for College regulations or policies through behavior that includes but is not limited to: accumulating an excessive number of parking tickets or excessively locking themselves out of their assigned residence hall may be subject to the disciplinary process. Please note that the Departments of Residence Education and Public Safety reserve the right to determine what constitutes an excessive number of parking tickets or lockouts.

### **ACADEMIC HONESTY AND INTEGRITY POLICY**

Essential to the mission of Babson College is the commitment to the principles of intellectual honesty and integrity. Academic integrity is important for two reasons. First, independent and original scholarship ensures that students derive the most they can from their educational experience and the pursuit of knowledge. Second, academic dishonesty violates the most fundamental values of an intellectual community and diminishes the achievements of the entire college community. Accordingly, Babson views academic dishonesty as one of the most serious violations of the College's expectations that a student can commit while at Babson College.

All members of the Babson College community—students, faculty, and staff—share the responsibility to bring forward known acts of apparent academic dishonesty. Any member of the academic community who witnesses or otherwise becomes aware of an act of academic dishonesty should report it to the appropriate faculty member or to the assistant dean of community standards. The charge will be investigated, and, if sufficient information is presented, the case will be referred to the student conduct process for adjudication. The specific procedural guidelines for handling academic dishonesty complaints are outlined in the *Part V* of this document. Students will not be permitted to withdraw from a course while they have a pending academic integrity complaint.

The following is a broad overview of what constitutes academic dishonesty, but is not meant to be an all-encompassing definition.

#### **CHEATING**

Intentionally using or attempting to use unauthorized materials, information, or study aids in any academic exercise.

- *Examples of Cheating:*
  - Unauthorized use of notes, text, or other aids during an examination.
  - Copying from another student's examination, research paper, case write-up, lab report, homework, computer disk, flash drive, etc.

- Talking during an examination.
- Handing in the same paper/assignment/components of a paper for more than one course without the written or explicit permission of the instructors.
- Sabotaging another student's work or record.
- Looking over a test before it is given.
- Hiding notes in a calculator or other electronic device, and non-electronic devices for use during an examination.
- Using a laptop/cell phone/handheld computer/wireless device or other electronic device to transmit exam material.
- Receiving assistance/help on an academic exercise from another person/resource without the expressed permission of the instructor.

### **FABRICATION**

Intentional and unauthorized falsification, misrepresentation, or invention of any information, data, or citation in an academic exercise.

- *Examples of Fabrication:*
  - Making up the data for a research project.
  - Altering the results of a lab experiment or survey.
  - Listing a citation for a source not used.
  - Stating an opinion as a scientifically proven fact.

### **FACILITATING ACADEMIC DISHONESTY**

Intentionally or knowingly helping or attempting to help another to violate any provision of this policy.

- *Examples of Facilitating Academic Dishonesty:*
  - Inaccurately listing as co-author of a paper, case write-up, or project someone who did not contribute.
  - Sharing a take-home examination, homework assignment, case write-up, lab report, etc. with another without the expressed permission of the instructor.
  - Taking an examination or writing a paper for another student.

### **PLAGIARISM**

Intentionally or unintentionally representing the words or ideas of another or your own from previous academic work as one's own in any academic exercise by failing to provide proper documentation of source by way of footnote, endnote, or intertextual note.

- *The following sources demand documentation:*
  - Word-for-word quotations from a source, including your own work from a previous academic exercise or another student's work.
  - Paraphrasing the ideas of others, including another student's work.
  - Unusual or controversial facts—facts not apt to be found in many places.
  - Information obtained from internet sources must be cited in a manner consistent with other sources.
  - Radio and television programs, interviews, and telephone conversations.

Students should be aware the College makes available for use the plagiarism prevention software resource Turnitin by Blackboard to both faculty and students. Those with questions about how they can use this resource or what services it can offer should contact their faculty member or the IT Support Desk (dial HELP).

## **PARTICIPATION IN ACADEMICALLY DISHONEST ACTIVITIES**

Intentionally or knowingly seeking to create an unfair advantage for a student, oneself, or others over other community members.

- *Examples of Academically Dishonest Activities:*
  - Stealing an examination or seeking access prior to its administration.
  - Purchasing or otherwise obtaining a pre-written paper through mail-order, internet or similar service.
  - Selling, loaning, or otherwise distributing materials for the purpose of cheating, plagiarizing, or carrying out other academically dishonest acts.
  - Alteration, theft, forgery, and/or destruction of the academic work of other students, library materials, laboratory materials, or academic records, including transcripts, course registration, course syllabi, and examination/course grades.
  - Intentionally missing an exam or assignment deadline to gain an unfair advantage.
  - Misrepresenting or falsifying your class attendance or participation in required activities or that of another student.
  - Intentional misrepresentation of academic information—including grade point average (GPA), coursework, rank, grades earned, and honors received—on a résumé or job application.

## **UNAUTHORIZED COLLABORATION**

Instances when students, all claiming sole authorship, submit or attempt to submit separate reports or other materials that are substantially similar to one another or which contain duplicate or paraphrased passages. While several students may have the same source material (as in group case write-ups), the analysis, interpretation, and reporting of that data must be each individual's original work.

Faculty members and other college officials reserve the right to use the turnitin.com or SafeAssign by Blackboard software programs or other programs as an educational tool in his or her classroom or otherwise to detect academic dishonesty.

### ***Outcomes for Academic Integrity Violations***

The current list of possible sanctions for academic integrity violations include, but are not limited to, the following: failure in a paper, project, or examination; failure in course; grade reduction in final course grade; suspension or expulsion. In most cases, grade penalties are coupled with a temporary transcript notation indicating an academic integrity violation was committed involving that class. Please note – some cases require a permanent transcript notation.

## **AIDING IN THE VIOLATION OF COMMUNITY STANDARDS**

Any act or action that supports and/or facilitates a violation of College policies is prohibited, whether before or after the actual violation. A student may be held responsible as though they were a direct participant in the violation, even if information indicates that they were not directly involved in the committing of the violation.

## **ALCOHOL POLICY**

Babson College is committed to encouraging and facilitating responsible student decision-making. The College recognizes that responsible decision-making concerning alcohol use is especially crucial to the

health and safety of students, respect for college property, and the educational mission of the institution. Alcohol abuse among students has been shown to have serious negative effects on the students' abilities to reach their educational goals. While students have the primary responsibility for maintaining their academic progress and their overall health, Babson College seeks, in its programs, services, and activities, to enforce the responsible use of alcohol on its campus and among its community members. To achieve this goal, and to monitor and regulate alcohol-related behavior, Babson has adopted the following policy and regulations.

Students at Babson College must be aware that their behavior with respect to alcohol is constrained by three sets of rules: Massachusetts state law, the town of Wellesley's bylaws, and the College's own policies that reflect its concern for the health and well-being of its students. In Massachusetts, an individual must be 21 years of age to possess, consume, transport, and/or carry alcohol.

### ***Massachusetts State Law***

Massachusetts state law subjects an individual to fines ranging from \$300 to \$2,000, loss of driver's license, and/or imprisonment for the following acts:

- Sale or delivery of alcohol to anyone under 21 years of age.
- Possession, purchase, delivery, or transportation of alcohol by anyone under 21 years of age.
- Misrepresentation or falsification of identification in order to purchase alcohol.

The law further states that anyone who wishes to purchase alcohol must show, upon request, a valid Massachusetts driver's license, Massachusetts Liquor Identification card, passport, or Military Identification card indicating that he or she is 21 years of age or older. Individuals who operate a motor vehicle while under the influence of alcohol are subject to criminal prosecution in addition to disciplinary action by the College.

In addition to the above, courts are increasingly willing to hold those who serve intoxicating beverages liable for damage or injury caused or suffered by the individuals to whom the beverages were served. This could include the College; organizations that sponsor events where alcohol is served; the officers, members, and advisers of such groups; and the individuals who serve the beverages. This also could include liability for alcohol served at private parties and/or in residence halls. The College community should be aware that Public Safety officers are sworn officers of the Commonwealth of Massachusetts and thus may make arrests for state law violations.

### **MEDICAL AMNESTY POLICY**

The Babson community values the health and safety of its members and supports an environment that encourages students to help others who are in need of assistance. This policy has been established to encourage students to take responsible action when another student or guest is at-risk due to the consumption of alcohol and/or drugs.

Students for whom medical or staff assistance is necessary due to being dangerously intoxicated and/or under the influence of drugs will be granted amnesty from the College disciplinary process in accordance with the terms of this policy. The Babson student/guest who calls the Department of Public Safety on behalf of a student/guest in need will likewise be granted amnesty provided:

- The caller is a Babson student/guest, and
- The caller remains with the Babson student/guest in need until a Public Safety Officer and/or campus official arrives.

This policy applies only to those students who seek emergency medical assistance in connection with an alcohol or drug-related medical emergency and does not apply to individuals experiencing an alcohol or drug-related medical emergency who are found by employees of the College (e.g., Public Safety, Resident Assistants, other Residence Education staff members, etc.), or where the reporting student(s) did not stay with them.

Please note that a Babson student who requires medical or staff assistance due to being dangerously intoxicated and/or under the influence of drugs on more than one occasion may be subject to disciplinary action. Students involved in an alcohol and/or drug-related emergency for which amnesty is granted are subject to mandatory educational or developmental interventions. A Babson student/guest who summons assistance for a student in need will receive amnesty on an ongoing basis consistent with the terms of this policy. The College's response to these incidents is independent of any action taken by local law enforcement.

Medical amnesty applies only to alcohol or other drug-related medical emergencies but does not apply to other conduct violations such as, but not limited to, assault, harassment, hazing, vandalism, driving under the influence, property damage, or distribution of illicit substances.

#### **POSSESSION OR CONSUMPTION OF ALCOHOL BY AN UNDERAGE INDIVIDUAL**

The College strictly prohibits the possession and/or consumption of alcohol by individuals under the Massachusetts legal age of 21 years old. Additionally, it will be considered a violation to transport and/or carry alcohol if the individual is under the legal age of 21 years old.

#### **OVER-CONSUMPTION OF ALCOHOL**

The College strictly prohibits intoxication requiring medical or staff attention.

#### **PROVIDING ALCOHOL TO UNDERAGE INDIVIDUALS**

The College strictly prohibits students from providing alcohol to individuals under the Massachusetts legal age of 21 years old. The policy includes allowing underage students to consume alcohol in an on or off-campus residence. Please see the Guest Policy to understand the College's expectations for students who host guests in their residence.

#### **DRINKING PARAPHERNALIA/DRINKING GAMES**

Drinking paraphernalia constitutes items that are being used, or could be used in connection with any drinking game or the rapid, mass, or otherwise dangerous consumption of alcohol of any type. This includes, but is not limited to, items such as funnels and table tops used in conjunction with drinking games. Students found in possession of drinking paraphernalia or participating in any drinking game will be referred to the College student conduct process. The College reserves the right to immediately and permanently confiscate all drinking paraphernalia.

#### **OPEN CONTAINER**

Alcohol may not be possessed and/or consumed in outdoor areas of the College. Additionally, open containers of alcohol may not be possessed and/or consumed in residence hall hallways. On occasion, special authorization for specific locations may be obtained for outdoor or indoor consumption using the event registration process.

#### **UNAUTHORIZED LOCATIONS FOR ALCOHOL CONSUMPTION**



Regardless of age, alcohol may not be consumed at athletics events, or with meals at Trim Dining Hall, the Crossroads Café at the Reynolds Campus Center, Starbucks, the Olin Cafe or any other unauthorized locations.

#### **PERMISSIBLE QUANTITIES OF ALCOHOL**

The College prohibits the possession of quantities of alcohol that are larger than what is reasonable for personal consumption. The following are the general guidelines for the maximum amount of alcohol permitted in on-campus residences for those 21 years of age or older: twelve 12-ounce coolers, malts, or beers; **or** two 750 ml. bottles of wine; **or** one liter of hard liquor up to 80 proof. The total amount of alcohol in a residence hall room or suite may not exceed the total amount permitted for the residents of the room or suite, age 21 or older. The College reserves the right, in its sole discretion, and given the specific circumstances of a given incident, to determine the volume of alcohol which constitutes a violation of this policy.

#### **CENTRAL SOURCE**

The College prohibits the possession, use and/or distribution of any central source of alcohol. A central source may include (but is not limited to) such items as a keg, pony keg, beer ball, or punch bowl. The College reserves the right, in its sole discretion, and given the specific circumstances of a given incident, to determine the volume of alcohol which constitutes a central source. Factors including, but not limited to, an excessive number of students in a given area using the same source of alcohol and/or the intent to consume and/or distribute alcohol for the purposes of mass and/or rapid consumption.

#### **ALCOHOL DELIVERY**

The commercial delivery of alcohol to Babson College, to individual students and/or student groups is prohibited. This includes but is not limited to College residence halls and/or other College buildings. Exceptions to this policy may only be made for events that have been approved for the delivery of alcohol by the Office of Student Activities and Leadership and/or the Events Management Office. These approved and College-sanctioned events must take place in previously approved College venues.

#### ***Alcohol Policy Violations***

The tables on the following pages contain the violations and accompanying sanctions for individuals and organizations on the Babson College campus. This policy is subject to change based upon a review of its effectiveness by the vice president for student affairs and dean of students.

#### *General Considerations:*

- Any subsequent violation will be considered no less than a second violation.
- A third violation of the Babson Alcohol Policy may result in a removal from housing or a suspension from the College housing for at least one full semester.
- Seniors whose probation extends beyond the end of spring semester may lose College housing for Senior Week and Senior Week activity privileges.
- The length of disciplinary probation period is at the discretion of the hearing officer or board, and is based upon the student's previous disciplinary record and the circumstances surrounding the incident.
- The College reserves the right in its sole discretion to notify parents or guardians for any alcohol or drug-related matter or violations.

### **Alcohol Policy Violations Table**

Violations and their sanctions include, but are not limited to, those listed below:

<b>Violations by Individuals &amp; Sanctions</b>				
	<b>Types of Violations</b>	<b>First Violation</b>	<b>Second Violation</b>	<b>Third Violation</b>
<b>Section I</b>	<b>Providing alcohol to underage, intoxicated, or unauthorized individuals.</b>	Required participation in alcohol education program, \$300 fine plus disciplinary probation.	Required participation in alcohol education program, \$400 fine, additional disciplinary probation, parental notification.	Completion of substance abuse assessment and successful completion of subsequent recommendations, \$500 fine, parental notification, loss of College housing or suspension from the College.
<b>Section II</b>	<b>Possession and/or consumption of alcohol by an underage individual.</b>  <b>Excessive consumption, participating in drinking games, possession of drinking paraphernalia.</b>	Required participation in alcohol education program, \$75 fine plus disciplinary probation.	Required participation in alcohol education program, \$100 fine, additional disciplinary probation, parental notification.	Completion of substance abuse assessment and successful completion of subsequent recommendations, \$150 fine, parental notification, loss of College housing or suspension from the College.
<b>Section III</b>	<b>Violation of Substance Free agreement.</b>	Relocation to an alternative residence hall at the discretion of Residence Education and Housing in addition to sanctions listed in Section II.		
<b>Section IV</b>	<b>Unauthorized central source e.g. keg (full or empty), punch bowl, or beer ball.</b>	Required participation in alcohol education program, \$100 fine, disciplinary probation, loss of event privileges, parental notification, deferred loss of College housing or loss of College housing.	Permanent loss of College housing, \$150 fine, parental notification.	
<b>Section V</b>	<b>Open alcoholic beverage container in an unauthorized location.</b>	\$75 fine plus disciplinary probation.	Participation in alcohol education program, \$100 fine, additional disciplinary probation, parental notification.	Participation in alcohol education program and/or assessment(s), \$150 fine, additional sanctions as deemed appropriate given disciplinary history.

*The sanctions specified above are minimum sanctions. They may include additional sanctions as deemed appropriate given the specific circumstances of a particular violation/incident. Previous disciplinary history will be taken into consideration and may result in more severe sanctions.*

### **BIAS-RELATED COMMUNITY STANDARDS VIOLATION**

Any act constituting a violation of College policy that is directed at any person and/or group and is motivated by race, color, national or ethnic origin, ancestry, religion, sex, sexual orientation, gender identity, gender expression, age, genetics, physical or mental disability, and veteran or other protected status. Any such violations may be assessed more significant sanctions.

### **BULLYING**

Repeated and/or severe aggressive behavior likely to intimidate or intentionally hurt, control or diminish another person, physically or mentally (that is not speech or conduct otherwise protected by the 1<sup>st</sup> Amendment).

### **COMPUTER CODE OF ETHICS/ACCEPTABLE USE OF CAMPUS NETWORK AND COMPUTING SYSTEMS**

Computer abuse affects everyone who uses computing facilities and results in significant expense to the College. The same moral and ethical behaviors that apply in the non-computing environment apply in the computing environment. Babson College treats access and use violations seriously. Access to the College computing facilities and information resources is a privilege granted to the College's students,

faculty, administrators, and staff. Access to the College's computing facilities and information resources may be restricted or terminated at the College's sole discretion based on the following factors: failure to comply with relevant laws and contractual obligations (including the terms of any license agreements); the risk of damage or loss to the College; the impact of a violation upon the community or third parties; and costs incurred by the College in responding to abuses of the system.

It is the responsibility of each community member to use the services provided by the College's campus network and computing systems appropriately and in compliance with all College, town, county, state, and federal laws and regulations. Furthermore, users are expected to use computer, electronic mail, and network services in an effective, ethical, responsible, and efficient manner consistent with the instructional, research, public service, and administrative goals of the College. This policy covers all persons accessing a computer, telecommunications, or network resource at Babson College, including the campus data network, electronic mail, file sharing, printing, Web services, telephone services and cable television. College computing systems are college resources and may be provided to employees for business purposes. Computers and the information contained on them are the property of the College and may be accessed by College officials at any time.

College policy and relevant laws apply to use of the College's network and computing services. Actions that are unacceptable in the College community also are unacceptable on the network, computing systems, and other electronic services including:

- Harassment in any form.
- Failure to respect the rights and property of others.
- Forgery or other misrepresentation of one's identity.
- Distribution, redistribution, attempted downloading, or downloading of copyrighted materials without the permission of the copyright owner.

In addition, these policies specific to Babson's network and electronic services apply:

- College systems, networks, and electronic services may be used only for legal purposes and to access only those systems, software, and data for which the user is authorized.
- College systems, networks, and electronic services are provided only for uses consistent with the academic mission of the institution. They may not be used for private, commercial, or partisan political purposes, for personal gain, for unsolicited advertising, nor in any way that jeopardize the College's tax-exempt status. College facilities may not be used to provide Babson College network, Internet access, cable television or telephone service to anyone outside of the Babson College community for any purpose. The College's conflict of interest and consulting/outside employment policies also apply.
- College facilities may not be used in ways that violate the privacy rights of individuals, the College's confidentiality policy or related laws.
- Information resources licensed by the College for the use of its students, faculty, or staff may not be retransmitted outside of the College community. Examples include Encyclopedia Britannica (Online), site-licensed software, and commercial cable television service.
- Network, cable TV, and telephone services and wiring may not be modified or extended beyond the area of their intended use. This applies to all wiring, hardware, and in-room jacks.
- Computer users may not assign an IP number to their machines. IP numbers are assigned dynamically.
- Manually assigning an IP number to one's machine may disrupt the network access of another user.

- Users with special needs may request a non-DHCP IP address from the Service Center.
- All members of the Babson community who use the College's computing resources must act responsibly.
- This includes, but is not limited to, respecting the rights of other computer users, abiding by all pertinent licensing and contractual agreements, and taking reasonable steps to protect the security of one's computer and electronic identity (i.e. changing passwords frequently, logging off each time you leave your computer, locking computer, etc.).
- All electronic and telephonic communication systems and all communications and stored information sent, received, created on, or contained in the Babson systems are the property of the College, and as such, are to be used for job-related purposes. While members of the Babson community may make incidental personal use of Babson technology resources, it must be done in accordance with all College policies and relevant laws and at a level that is determined to be reasonable with respect to the use of College resources.
- You should not consider any material on these systems to be private. Even erased or deleted material may remain available. While the College respects the privacy of its users, the College reserves the right to look at, listen to, or use anything on its systems and equipment, in its sole discretion, with or without notice, at any time and to bypass any pass code. Circumstances for such action may include, but are not limited to, protecting the College from liability; complying with requirements of the law, regulations, or College policies; protecting the integrity, security, and proper functioning of the College's computing systems; investigating violations of the law, regulations, or College policy; and enforcing College policy and adjudicating violations.
- The campus network is a shared resource. Therefore, network uses or applications that inhibit or interfere with the use of the network by others are not permitted. (For example, applications which use an unusually high portion of network bandwidth for extended periods of time, thus inhibiting the use of the network by others, are not permitted.)
- Users are required to know and obey the specific policies established for the systems and networks they access. They have a responsibility to stay informed of changes and adapt as needed. For any questions related to the computing policies at Babson, please contact the IT Service Center.
- Administrators of the network, computer systems, and other electronic services have the responsibility to protect the rights of users, to set policies consistent with those rights, and to publicize those policies to their users. They have authority to control or refuse access to the network or other services to anyone who violates these policies or threatens the rights of other users.
- Anybody who is active on any online communities (i.e. facebook.com, myspace.com, etc.) must be aware that any information, including personal Web logs and pictures, posted on these websites is public information. While the College does not typically review these online communities in an ongoing manner, if the College is made aware of any online posting which it deems to be problematic or indicative of policy violations, it reserves the right, but not the obligation, to respond.
- Violations of the Computer Code of Ethics/Acceptable Use Policy will be treated as violations of college policy and may result in disciplinary action including, but not limited to, loss of network and laptop privileges. Prosecution under state and federal laws also may apply.
- The College will respond in the following way after receiving notification of the transmission (upload or download) of copyrighted electronic files without the permission of the copyright owner.

**For Undergraduate Students**

- First Notification:
  - Official Warning: The Office of Community Standards will send an email to the student with a copy of the notice the College received regarding the transmission. The email will ask the student to remove the software and the copyrighted files from their computer. The email will remind the student of the policy, explain that they have received an official warning and will indicate that future violations of the policy will result in disciplinary action.
- Second Notification:
  - The Office of Community Standards will charge the student with a violation of the Computer Code of Ethics policy. If the student is found responsible, the student will lose laptop privileges for seven (7) days.
- Third Notification:
  - The Office of Community Standards will charge the student with a violation of the Computer Code of Ethics policy. If the student is found responsible, the student will lose Babson network privileges for specified period of time.

**For Graduate Students**

- First Notification:
  - Official Warning: The Office of Community Standards will send an email to the student with a copy of the notice the College received regarding the transmission. The email will ask the student to remove the software and the copyrighted files from their computer. The email will remind the student of the policy, explain that they have received an official warning and will indicate that future violations of the policy will result in disciplinary action.
- Second Notification:
  - The Office of Community Standards will charge the student with a violation of the Computer Code of Ethics policy. If the student is found responsible, the student will lose network privileges for a specified period of time.

*The sanctions specified above are minimum sanctions. They may include additional sanctions as deemed appropriate given the specific circumstances of a particular violation/incident. Previous disciplinary history will be taken into consideration and may result in more significant sanctions.*

**DEMONSTRATIONS**

Participation in a demonstration that disrupts or interferes with the normal operations of the College and/or infringes on the rights of the members of the community and/or the community at-large and/or violates any other College policy

**DISORDERLY CONDUCT**

Inappropriate, disorderly, and/or disruptive conduct. Examples include but are not limited to: behavior in the classroom or instructional program that interferes with the instructor or presenter's ability to conduct the class or program, or the ability of others to benefit from the instruction; behavior that causes public inconvenience, disturbance or alarm; behavior in the residence halls that hinders the ability of residents to live in a safe, reasonably calm environment; intentional disruption of the administration or operations of the College or public urination.

**DISORDERLY CONDUCT INVOLVING A MOTOR VEHICLE**

A student who operates a motor vehicle on or off campus in a reckless or endangering manner will be subject to disciplinary action.

### **DISRUPTIVE GATHERINGS**

Examples include, but are not limited to: Gatherings that result in a noise complaint, those that are disruptive to neighbors in any reasonable way, excessive attendance beyond what is safe and/or reasonable; central sources of alcohol present\*, underage drinking\*, or uncooperative residents and/or guests. *\*Please see the Alcohol Policy for a full description of the College's expectations on alcohol.*

### **DRIVING UNDER THE INFLUENCE**

Driving a motorized vehicle under the influence of alcohol and/or other drugs.

### **DRUG POLICY**

Babson College must comply with state and federal laws regarding the use of nonprescription drugs. The College cannot and will not be a haven from federal and state jurisdiction. Each student who resides on the Babson campus is responsible for the contents of their room/suite or automobile and the actions of those present in the room or suite. The use, possession, sale, or distribution of drugs and/or drug paraphernalia is strictly prohibited and could result in removal from housing, separation from the College, other sanctions as deemed appropriate, and referral for criminal prosecution. Please note that while possession of under one ounce of marijuana has been decriminalized in Massachusetts, it is nonetheless a violation of Babson College policy to be in possession of any amount of marijuana. In addition, the possession, use, or distribution of prescription drugs by a student for whom the medication was not prescribed is prohibited and will result in disciplinary action. Finally, although Massachusetts state law permits the use of medical marijuana for certain medical conditions, the possession and use of marijuana remains illegal under federal law. Consistent with federal law, including the Drug-Free Schools and Communities Act of 1989 (see more information below), the use and/or possession of marijuana continues to be prohibited by Babson College. Thus, use and/or possession of marijuana, even for medical use, is considered to be a violation of Babson College policy.

*Students who obtain a registration card from the Massachusetts Department of Public Health for medical marijuana use should contact the Associate Dean of Students for Wellness for more information regarding College policies and resources. To request a medical housing accommodation for a documented disability, students should contact the Director of the Learning Center (link). See <http://studentportal.babson.edu/content/medical-housing>.*

At any time, the College reserves the right to contact the parents or guardians of any student about which it has any drug-related concern.

The Drug-Free Schools and Communities Act of 1989, as amended, requires that Babson College annually distribute information regarding the unlawful use, possession, or distribution of illicit drugs and alcohol by students and employees on College property or as a part of any of its on-campus or off-campus activities.

Babson College's standards of conduct regarding drugs and alcohol abuse are described below, along with the health risks associated with substance abuse.

In compliance with the Act, the College has set forth sanctions under federal and state law for the illegal possession, use, or distribution of drugs and alcohol, as well as the range of sanctions for violations of the College's policies regarding substance abuse.

Babson College does not permit or condone the illicit or unauthorized possession, use, consumption, sale, or distribution of illegal drugs and alcohol by its students and employees both on and off campus or as part of its activities. This policy applies to all students and employees, faculty members, administrators, and their respective guests.

Persons who violate the College's policy regarding alcohol and drugs as described below are subject to appropriate disciplinary action including counseling, probation, suspension, expulsion, and referral to law enforcement authorities for investigation and/or prosecution.

The Drug-Free Schools and Communities Act Amendment of 1989 also requires that a description of health risks associated with drug use and alcohol abuse be distributed to Babson students. Potential health risks resulting from alcohol and drug abuse include, but are not limited to, the following:

Aggressive Behavior	Pregnancy complications	Meningitis
Heart attack	Cancer of the esophagus	Sleep problems
Physical dependence	Irritability	Fluctuating moods and emotions
Brain Damage	Relationship problems	Pancreatitis
Hepatitis	Cirrhosis of the liver	Ulcer
Pneumonia	Malnutrition	
Bronchitis	Respiratory arrest	
Impotence	Delirium tremens	

Resources are available to assist Babson students in understanding and dealing with drug and alcohol abuse.

You can receive information by contacting any of the following local resources:

- Office of Student Affairs – 781-239-4309
- Office of Residence Education/Housing – 781-239-4309
- Office of Health Services – 781-239-5200
- Office of Public Safety – 781-239-5555
- Babson Counseling Program – 781-235-4950

The following hotlines also are available to assist you.

- Cocaine Helpline – 1-800-COCAINE
- NDA Hotline – 1-800-662-HELP

The Cocaine Helpline is a round-the-clock, information and referral service staffed by counselors who are recovering cocaine addicts. The National Drug Abuse Hotline (NDA) provides a confidential information and referral line that directs callers to drug and alcohol abuse treatment centers in the local community. Contact Health Services in Hollister Hall for free materials on drug use.

### **USE OR POSSESSION OF DRUGS**

The College strictly prohibits the possession of illegal drugs, prescription medications belonging to another individual and/or the illicit use of prescription or other medications. \*The use and/or possession of marijuana, even for medical use, is also prohibited.

*\*See the opening paragraph of the drug policy for more information.*

#### **DRUG PARAPHERNALIA**

The College strictly prohibits the use, possession, manufacture, distribution and/or sale of drug paraphernalia or other items used in preparing or consuming drugs.

#### **DISTRIBUTION, SALE, OR MANUFACTURE OF DRUGS**

The College strictly prohibits the distribution, sale and/or manufacture of drugs (illegal and prescription). This includes the cultivation of drugs and any other form of distribution or intention of distribution, even to one person. Violation of this policy includes knowingly allowing another to use personal prescription medication.

#### **Drug Policy Violations Table**

Violations and attending sanctions include, but are not limited to, those listed below.

<b>Violations by Individuals &amp; Sanctions</b>			
	<b>Types of Violations</b>	<b>First Violation</b>	<b>Second Violation</b>
<b>Section I</b>	<b>Use or possession of illegal drugs, illicit or unauthorized use of prescription medication.</b>	Required participation in drug education program. \$100 fine. Deferred loss of College housing, or Loss of College housing, Parental notification.	Participation in substance abuse assessment. Loss of College housing for one year minimum. \$200 fine. Parental notification.
	<b>Possession of drug paraphernalia.</b>	Immediate and permanent confiscation of paraphernalia. Required participation in drug education program. Disciplinary Probation. \$100 fine. Parental notification.	Required participation in substance abuse assessment. \$200 fine. Loss of College housing for one semester minimum. Parental notification.
	<b>Distribution or sale of drugs.</b>	Suspension from the College for not less than one year. \$200 fine. Parental notification.	Suspension from the College for not less than two years or Expulsion.

*The sanctions specified above are minimum sanctions. They may include additional sanctions as deemed appropriate given the specific circumstances of a particular violation/incident. For example, the type of drug will be strongly considered during sanctioning. Additionally, previous disciplinary history will be taken into consideration and may result in more significant sanctions.*

#### **ENDANGERING BEHAVIOR**

Conduct or reckless actions that threaten or that endanger the general health or safety of any member of the community, including one's self, the community at large, and/or the operations of the College.

#### **FAILURE TO COMPLY**

Failure and/or refusal to comply with the reasonable request or directive of a College official (Public Safety officer, residence hall staff member, faculty member, or administrator). Examples include but are not limited to failing to produce identification, failing to consent to a room search, and/or fleeing the scene of an incident. Failure to comply with the conditions of a sanction imposed as the result of a disciplinary hearing is also covered under this policy.



### **FALSE IDENTIFICATION**

Any student who uses and/or possesses false or altered identification for any purpose or who attempts to purchase alcohol, gain access to an event where alcohol is present, or obtain alcohol in any way, will be referred to the College student conduct process. In addition, in compliance with Massachusetts state law, the identification may be confiscated and turned over to the Registry of Motor Vehicles.

Students are advised of the Massachusetts law, Chapter 90, Section 24B, which pertains to driver's licenses: "Whoever falsely makes, steals, alters, forges, or counterfeits or procures or assists another to falsely make, steal, alter, forge or counterfeit a license, if convicted, is subject to a fine of not more than \$500 or by imprisonment in the State Prison for not more than five years or in jail or House of Correction for not more than two years."

### **FALSE INFORMATION AND MISREPRESENTATION**

Students, recognized organizations, and/or student businesses are prohibited from knowingly providing false information or making misrepresentations to any College official, including Public Safety, residence hall staff, faculty members, administrators, or any member of the College community acting on behalf of the College. Students, recognized organizations, and/or student businesses also are prohibited from knowingly providing false information or in any way misrepresenting to any individual or agency, including but not limited to recruiters and employers, their status or relationship with the College. This policy includes recognized organizations and/or student businesses that operate without a student government-approved business license. Violation of this regulation may subject an individual or recognized organization to disciplinary action.

### **FARE EVASION**

Fare evasion, or the act of using a transportation service, whether a public transportation service or a private company, without paying for the service in full.

### **FIRE AND LIFE SAFETY REGULATIONS**

The residence halls are equipped with automated fire prevention systems. Each room has an early detection smoke alarm, and the hallways are equipped with both smoke and heat detector units. Additionally, there are emergency pull stations in every hallway, chemical fire extinguishers, in every kitchen area, and dry powder extinguishers in hallways. The College also permits students to have an all-purpose, dry-powder fire extinguisher in their rooms. A dry-powder extinguisher is the only type of extinguisher permitted.

#### **In Advance**

- Become familiar with fire equipment, fire exits, and evacuation procedures.
- Keep rooms and public areas free of fire hazards.
- Report all damaged or inoperable fire equipment to the Office of Public Safety at x5555.
- Participate in all fire drills in your residence hall.

#### **In Case of Fire**

- Sound the nearest campus alarm. This is linked automatically with the Wellesley Fire Department.
- When possible, shut windows, unlock and close doors, and leave the lights on.
- Keep the driveways clear and stay at least 100 feet from the building.

- Do not re-enter the building until it has been cleared by the Fire Department.

### Prevention

- Don't overload electrical circuits.
- Don't use hookahs, candles, cigarettes/e-cigarettes, cigars, incense, open flames, propane tanks, hot plates/burners, or halogen lamps.
- Extinguish all smoking material before disposing of it in a nonflammable container.
- Never store flammable liquids of any kind.
- Never store flammable gas or liquid in or near a residence hall.
- Never prop open a door.
- Never tamper with or damage door hardware or door lock/safety equipment (including warning alarms).

Students are encouraged to play an active role in fire prevention and security in their buildings by doing the following:

- never propping open an exterior door;
- not allowing suspicious or unknown persons into a building;
- never pulling or forcing a door open, or damaging or tampering with any door or safety equipment.

*Any violation of these precautions is a violation of College policy and may be referred to the College student conduct process. It also may constitute a crime. Students should contact Public Safety if they observe unauthorized people in a residence hall.*

The setting of fires is strictly prohibited. Due to the serious risk of injury to persons and property and to minimize fire and safety hazards within the residence halls, the following items, including but not limited to, are prohibited: air conditioners, sun-lamps, candles, hookahs\*, hoverboards\*, incense, space heaters, halogen lamps, fog/smoke machines, foam machines, electric blankets, and other heat-producing appliances, hot plates, toaster ovens, toasters, and coil immersion heaters for cooking. Compact refrigerators (up to 5.0 cubic feet) are permitted. Popcorn poppers, coffeemakers, and small microwaves (0.8 cubic feet, 700 watts or less) are permitted, if they are properly cleaned and maintained. In using extension cords, students must use grounded (3 prong) surge-protected plug strips with an off/on switch. To see the full list of prohibited items, please [visit the Housing website](#).

\*Possession or use of hookah pipes or equipment on campus (inside and outside of the residence halls) is prohibited. Additionally, the use, possession or storage of self-balancing scooters, commercially known as hoverboards, on campus is prohibited. As with other prohibited items that violate the College's fire safety regulations, items found to be in violation of this policy will be confiscated and students found to be in possession of those items will be referred to the student conduct process.

Appliances such as toasters, toaster ovens, and other heat-producing cookware are permitted in residential living areas and suites that currently have working cooktop ranges. These items can be stored in the room (not plugged in) but may only be used in the residential living areas and suites that have working cooktop ranges. Excessive appliances in these areas will be evaluated and may result in removal of appliances by Student Affairs.

Violators are subject to immediate referral to the College's student conduct process and/or the appropriate law enforcement agency for possible legal action. When a fire alarm is sounded, whether established as actual or false, the building must be evacuated immediately. Any individual failing to vacate a building during a fire alarm is subject to disciplinary action and a College fine. A second violation may result in suspension from housing or the College.

Tampering with fire extinguishers, fire protection equipment, or fire exits is a criminal offense. Students found responsible for doing so may be subject to criminal prosecution and College disciplinary action if malicious or intentional damage is done to fire equipment, including but not limited to pull boxes, hoses, smoke alarms, heat sensors, and fire extinguishers.

In the event that a pulled alarm box or activation of the alarm system is determined to be malicious, disciplinary action may be taken, including revocation of campus housing privileges, suspension, or expulsion from Babson. Violators will be reported to the Wellesley or Needham fire departments for possible criminal prosecution.

Finally, if modifications to the fire equipment are deemed necessary because of misuse or damage, those determined responsible will be billed for the cost of repairs. If no individual(s) is found responsible, the residents of the hall or a portion thereof will be billed. All fines are due within 10 days following the billing, which will occur as soon after the event as possible. If an individual is not held responsible for the malicious activation of a fire alarm, the residents of the floor/wing section and/or building may be collectively responsible for a \$500 College fine for each alarm (see chart).

### **Fire and Life Safety Violations Table**

Violations and their sanctions include, but are not limited to, those listed below.

<b>Violations by Individuals &amp; Sanctions</b>	
<b>Types of Violations</b>	<b>Sanction</b>
<b>Possession or use of fireworks, hookahs, candles, incense, flammable liquid, propane tank, halogen lamp, string lights, fog/smoke machines, foam machines or unauthorized appliances.</b>  <b>Hanging items from ceiling pipes or lights</b>	\$75 fine and additional sanctions as deemed appropriate, including loss of College housing or suspension from the College in addition to any restitution for damage.
<b>Failure to evacuate a building once a fire alarm is sounded.</b>	\$100 fine and additional sanctions as deemed appropriate, including loss of College housing or suspension from the College in addition to any restitution for damage.
<b>Tampering with fire extinguishers, fire exits, pull boxes, hoses, smoke alarms, heat sensors, or emergency phone/lighting equipment. Obstruction of fire exit, hallway, or fire/public safety personnel in the performance of their duty.</b>	\$500 fine and additional sanctions as deemed appropriate, including loss of College housing or suspension from the College in addition to any restitution for damage.
<b>Smoking in unauthorized area.</b>	\$150 fine; additional sanctions as deemed appropriate, in addition to any restitution.
<b>Causing a fire.</b>	\$500 fine and sanctions as deemed appropriate, including permanent removal from housing and suspension from the College in addition to any restitution for damage.

*The violations listed above are not all inclusive. The sanctions specified above are minimum sanctions. They may include additional sanctions as deemed appropriate given the specific circumstances of a particular violation/incident. Previous disciplinary history will be taken into consideration and may result in more severe sanctions.*

#### **FORCIBLE ENTRY/UNAUTHORIZED ACCESS**

Using force to gain access to a building or facility and/or unauthorized presence in College-owned buildings and/or private property. Unauthorized access includes but is not limited to: tampering with locks to College buildings and/or private property, unauthorized possession or use of College keys or a Babson OneCard(s), and/or alteration or duplication of College keys and/or Babson OneCard(s), whether or not access was attempted.

#### **GAMBLING**

Students are expected to abide by federal and state laws prohibiting illegal gambling. Gambling for money or other things of value on campus or at College-sponsored activities is prohibited except as permitted by law. Recognized student clubs and organizations interested in sponsoring raffles and

similar events need to request permission from the Office of Student Activities and Leadership and meet with staff to review compliance with College policy and applicable law.

Such prohibited activity includes, but is not limited to, betting on, wagering on, or selling pools on any College or professional athletic event; possessing on one's person or premises (e.g., room, suite, car) any card, book, or other device for registering bets; knowingly permitting the use of one's premises or one's computer, telephone, or other electronic communications device for illegal gambling; knowingly receiving or delivering a letter, package, or parcel related to illegal gambling; offering, soliciting or accepting a bribe to influence the outcome of an athletic event; and, involvement in bookmaking or wagering pools with respect to sporting events.

NCAA rules prohibit all such activities for student athletes and others with involvement with athletic teams. The consequences for violation of these rules are that a student athlete will be declared ineligible to compete in College sports. Student athletes are informed that if they place bets of any kind on any College or professional sport or if they give information to anyone who uses that information to make a bet, they are at risk of being removed from their team and subject to other disciplinary action.

Students voluntarily seeking assistance for a gambling-related problem prior to the initiation of official investigations may do so without fear of disciplinary action, and will be treated with the utmost sensitivity and confidentiality. Such assistance may be sought through the Wellness Center.

## **GENDER-BASED MISCONDUCT**

[See Part V of this document.](#)

## **GUEST POLICY**

All guests on the Babson campus are expected to act in a responsible and lawful manner, adhere to the regulations and policies of the College, and comply with applicable federal, state, and local laws, bylaws, and mandates, particularly those relating to use and/or possession of drugs and alcohol. A guest is defined as any person who is not a resident of the room or living unit in which they are present. This includes other Babson students who are visiting other parts of campus. Host students should themselves be aware and are responsible for ensuring that their guests are informed of the following guidelines, and that they act accordingly:

- Keys and OneCard access are issued for students' use and may not be altered, duplicated, or distributed to a guest for their use.
- It is the host's responsibility to accompany their guests at all times while on the campus and inform guests of College policies. Guests are not permitted to live, cohabitate, or stay in a student's room for an extended period of time, not to exceed three consecutive days.
- Students will be held responsible for any violation that involves their guests. This includes responsibility for the consequences of their guest's actions, such as payment for any damages and reimbursement for any extraordinary expenses incurred by the College as a result of the guest's actions or behavior, and any fines or non-monetary sanctions imposed.
- Guests also should be informed that failure to properly identify themselves upon request by a member or representative of the Office of Public Safety, Student Affairs, or the Office of Residence Education may result in their being asked to leave the campus.
- A guest's or host's failure to leave the campus when ordered to do so by College authorities may result in the issuance of a No Trespass Order. A violation of a trespass order may result in an arrest.

- The right of a student to live in reasonable privacy takes priority over the right of their roommate to entertain a guest in the room.
- The right of residents in a hall to live in reasonable privacy takes priority over the right of a student in the hall to entertain a guest in their room.
- Guests who are non-Babson students and plan to park a vehicle on campus must obtain a visitor's parking pass from the Office of Public Safety. Failure to obtain a visitor's parking pass may result in the issuance of a fine (for which the host would be responsible, and/or removal of the vehicle from campus at the host's expense). It is expected that guests will abide by all parking regulations while on campus.

## **HARASSMENT**

Harassment is severe, persistent or pervasive conduct, including any form of communication or expression, any physical act or gesture, or any combination thereof, directed at one or more individuals that has the purpose or effect of: causing physical or unreasonable emotional harm to such individual(s) or damage to their property; placing the individual(s) in reasonable fear of harm to their safety or property; or infringing on the rights of other community members to fully participate in the programs, activities, and mission of the College.

The College will use the reasonable person standard when evaluating this information. The College will also consider the full context of the conduct, giving due consideration to the protection of the College climate, individual rights, freedom of expression and academic freedom. Not every act that might be considered offensive to an individual or a group constitutes harassment and/or a violation of College policy.

## **HAZING**

Babson College adheres to and enforces Massachusetts state law that prohibits the practice of hazing. Members of any organizations who fail to comply with the hazing law will be subject to the student conduct process or other disciplinary processes, which may result in immediate suspension from College housing, suspension or expulsion from the College, loss of organizational recognition, and other sanctions. Criminal charges also may be brought against individual members of any organization who are found to practice hazing. The Commonwealth of Massachusetts passed legislation in November 1985 regarding the issue of hazing. The College also is required by this statute to issue a copy of the law to the leadership of every registered student organization. The Office of Student Activities and Leadership will request all groups to sign an acknowledgment of this law.

Hazing is a crime defined under the law as "any conduct or method of initiation into any student organization, whether on public or private property, which willfully or recklessly endangers the physical or mental health of any student or other person. Such conduct shall include whipping; beating; branding; forced calisthenics; exposure to the weather; forced consumption of any food, liquor, beverage, drug, or any 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." A second important aspect of the law concerns the failure to report hazing. It states, "Whoever knows that another person is the victim of hazing (as defined) and is at the scene of such crime shall, to the extent that such a 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."

Babson College expanded upon the Massachusetts law to also include the following as part of the Babson College Hazing Policy: Any act committed against someone joining or becoming a member or maintaining membership in any organization that is humiliating, intimidating, or demeaning, or endangers the health and safety of the person. Hazing includes active or passive participation in such acts and occurs regardless of the willingness to participate in the activities. This may include activities that are a violation of international organizational policies related to hazing. Hazing creates an environment/climate in which dignity and respect are absent.

Examples of hazing include but are not limited to behaviors that emphasize a power imbalance between members of the group or team. This form of hazing typically involves activities or attitudes that breach reasonable standards of mutual respect and place members on the receiving end of ridicule, embarrassment, and/or humiliation tactics. Members often feel the need to endure this form of hazing to feel like part of the group/team/organization. Behaviors that cause emotional anguish or physical discomfort in order to feel like part of the group. This form of hazing confuses, frustrates, and causes undue stress for members. Behaviors that have the potential to cause physical and/or emotional, or psychological harm.

**Examples include but are not limited to:**

- Deception
- Assigning demerits
- Silence periods with implied threats for violation
- Deprivation of privileges granted to other members
- Requiring members to perform duties not assigned to all members
- Socially isolating members
- Lineups and drills/tests on meaningless information
- Name calling
- Requiring members to refer to other members with titles (e.g. "Mr.," "Miss") while they are identified with demeaning terms
- Expecting certain items to always be in one's possession
- Verbal abuse
- Threats or implied threats
- Asking members to wear embarrassing or humiliating attire
- Stunt or skit nights with degrading, crude, or humiliating acts
- Expecting members to perform personal service to other members, such as carrying books, errands, cooking, cleaning, etc.
- Sleep deprivation
- Sexual simulations
- Expecting members to be deprived of maintaining a normal schedule of bodily cleanliness
- Be expected to harass others
- Forced or coerced alcohol or other drug consumption
- Beating, paddling, or other forms of assault
- Branding
- Forced or coerced ingestion of vile substances or concoctions
- Burning
- Water intoxication
- Expecting abuse or mistreatment of animals
- Public nudity
- Expecting illegal activity

- Bondage
- Abductions/kidnaps
- Exposure to cold weather or extreme heat without appropriate protection

The law includes references to fines and sanctions for violations. If you have any questions about hazing or would like any further information, contact the Office of Community Standards.

#### **HAZING AMNESTY POLICIES FOR INDIVIDUALS**

A student can report hazing behavior, even if they participated in such behavior, and will not be individually sanctioned through the College disciplinary process for violating the hazing policy, as long as their behavior did not contribute to causing harm and as long as that student participates fully and truthfully in the College's investigation of the incident and disciplinary process, if necessary. Students should be aware that any amnesty granted through the College disciplinary process does not extend to criminal or civil action or penalties that may result from the incident. Also, this amnesty policy does not apply if the student's or organization's behavior has already been discovered or reported to a College staff member or law enforcement. Please note that a Babson student who reports hazing behavior, that they participated in, on more than one occasion, may be subject to disciplinary action.

#### **HAZING AMNESTY POLICIES FOR ORGANIZATIONS ("FRESH START") POLICY**

If members of an organization, club, or team are concerned that any of the organization's activities, traditions, or rituals may violate the College's hazing policy, they may confidentially report any past or recent hazing behavior to the head of the department that supervises their organization (e.g. Athletics, Student Activities and Leadership, etc.). This staff member will then work with the organization in question to develop a plan to address any behavior that may be considered hazing. The organization in question will not be subject to the College disciplinary process for the reported behavior as long as the organization fully discloses any past behavior and the behavior in question did not cause harm. Additionally, in order for amnesty to be granted, the organization must fully implement the plan they designed to avoid hazing and discontinue any behavior that may violate the College's hazing policy.

Organizations that choose to utilize this amnesty policy should be aware that if it is discovered that the organization continues to violate the College's hazing policy after completing this process, they will be subject to the disciplinary process for those violations. Also, this amnesty policy does not apply if the organization's behavior has already been discovered or reported to a College staff member or law enforcement. As with the individual hazing amnesty policy, any amnesty from the College disciplinary process does not extend to any relevant civil or criminal penalties. Please note that a Babson student organization that reports hazing behavior, that the organization participated in, on more than one occasion, may be subject to disciplinary action.

#### **INTERFERENCE WITH STUDENT CONDUCT PROCESS**

All persons responsible for addressing incidents (this includes but is not limited to: resident assistants, staff or faculty members and/or public safety personnel) have the right to document, investigate, participate, or administer the student conduct process free of any interference, retaliation, or intimidation by any member of the Babson community.

#### **INTIMATE PARTNER VIOLENCE**

[See Part V of this document.](#)



## **RETALIATION**

Any intentional adverse action taken against a person on the basis of their participation in a protected activity. Retaliation can include intentional action taken by a respondent or allied third party as reprisal for participating in a protected activity.

Examples of protected activity include but are not limited to:

- Participating in or otherwise assisting with a College investigatory procedure or law enforcement investigation;
- Filing a complaint alleging a College policy violation or a violation of law; or
- Filing a complaint about the College's policy for resolving alleged violations of policy.

Examples of adverse action include but are not limited to:

- Threats, intimidation, continued harassment or other misconduct;
- Discouraging an individual from participation in an investigation or adjudication process; or
- Adverse educational or employment consequences.

The College maintains the right to take action against a student for other legitimate reasons in accordance with College policies and procedures, even if that student has filed a complaint under the gender-based misconduct policy or otherwise participated in a protected activity.

Retaliation by any member of the College community or any person acting on their behalf is strictly prohibited. Retaliation is a serious violation that can result in sanctions independent of the merits of the underlying complaint or allegation. The College will respond immediately to retaliation and impose disciplinary measures as appropriate, including but not limited to interim or longer term suspension from the College.

## **POSSESSION OF WEAPONS**

Babson College strictly prohibits the possession of illegal or dangerous weapons on campus. Such weapons include, but are not limited to, revolvers, pistols, rifles, shotguns, BB or pellet guns, stun guns/tazer, paint ball guns, replica guns, chemical weapons such mace or pepper spray, swords, knives (other than those used for cooking or small pocket knives), slingshots, martial arts weapons, bows and arrows, and others as deemed such by the vice president for student affairs and dean of students or designee. Possession or use of firearms, fireworks, ammunition, dangerous chemicals, bombs, and infernal devices on a college campus also is prohibited by Massachusetts state law. Any violation will result in immediate and permanent confiscation of the weapon and can result in immediate referral to the College student conduct process, or the appropriate law enforcement agency (which may result in criminal court action).

## **PHYSICAL ABUSE/VIOLENCE**

Physical abuse of others, including but not limited to fighting and/or inflicting injury. Self-defense may only be used to the limited degree necessary for self-protection.

## **SEXUAL HARASSMENT**

[See Part V of this document.](#)

## **SEXUAL MISCONDUCT POLICY**

[See Part V of this document.](#)

**SMOKING POLICY**

Smoking in all College buildings is prohibited. This policy is to help promote a safe, healthy, and comfortable living and learning environment for all community members. Please note that e-cigarettes are included in this policy. Therefore, students may not smoke e-cigarettes in any building on College property.

*Note that smoking is not permitted in any student rooms, including graduate student apartments, individual suite rooms and lounges. Smoking is prohibited in all public areas in residence halls including the entranceways and the areas immediately outside buildings. This also includes the front steps and enclosed entry areas of all buildings. Smoking in private offices is also prohibited.*

Please note that this policy applies to all members of the community. Guests should be made aware of the College's smoking policy by the Babson community members with whom they are visiting. Individuals who choose to smoke are expected to maintain a minimum of 25 feet from a building entrance to ensure that smoke does not enter the building. Smokers also are expected to properly dispose of their cigarettes.

Students who violate this policy are subject to a \$150 fine and other sanctions as deemed appropriate. Babson recognizes that while this may be difficult for some members of the community, it is important that common courtesy and consideration toward others should be shown. Health Services (x4257) offers assistance in enrolling community members in smoking cessation sessions. Please contact that office for additional assistance.

**STALKING**

[See Part V of this document.](#)

**THEFT**

Actual or attempted theft of personal property, College property, public/private property or identity. Additionally, the possession of stolen property is prohibited.

**VANDALISM/DAMAGE**

Damage, destruction or defacement of/to personal property, College property, or public/private property, whether intentional or through negligence.

**VIOLATION OF PUBLISHED COLLEGE POLICIES**

Violation of any College policy, rule, or regulation published in hard copy or available electronically on the Hub or College website.

***Student Conduct Process***

Responsibility for the overall administration of undergraduate and graduate student conduct matters at Babson College has been delegated by the College's president to the vice president of student affairs/dean of students who is responsible for the management of the process. The vice president of student affairs/dean of students has designated authority for direct management of the process to the assistant dean of community standards. The vice president of student affairs/dean of students reserves the right to designate this responsibility to others when necessary.

The College student conduct process is designed as an educational process for resolving many, but not all, violations of the standards of conduct outlined in *Babson College's Community Standards*. The goals

of the student conduct system are to protect the rights of Babson community members, to assure that all parties receive fair process in the handling of complaints, and to assist students in becoming responsible citizens and accepting the consequences of their behavior. The applicable procedures are located in [Section IV](#) of this document.

### ***Interim Restriction***

Under the limited circumstances described below, the vice president for student affairs and dean of students or designee may impose a temporary College suspension, residence hall suspension or other restriction(s) related to College property, programs, or activities. Interim restrictions become effective immediately and may be imposed at any point prior to the final resolution via the student conduct process or other administrative process.

Whenever necessary, interim restrictions will be imposed to a) ensure the safety and well-being of members of the College community and/or surrounding communities, b) to maintain the normal operations of the College, and/or c) to preserve College property. The nature of the interim restriction(s) will be based on a careful review of all available information and the particular facts and circumstances of each situation.

The interim restriction(s) will be confirmed by written notification to the student and shall remain in effect until the conclusion of a hearing or administrative decision, without undue delay, in accordance with the student conduct process and policies. Violations of interim restrictions may result in suspension or expulsion from the College.

The student may, within three (3) business days of the imposition of the interim restriction(s), petition the vice president for student affairs and dean of students for a modification or removal of the restriction(s). The petition must be in writing and must include supporting documentation or evidence that the particular restriction was unwarranted, excessive, or imposed improperly. A decision on such petition will be made without undue delay by the vice president for student affairs and dean of students or designee.

No refunds for lost tuition, room, or board fees will be made during this interim restriction period. An interruption in a student's course of study may result in required courses no longer being available or only available on a limited basis. At its discretion, the College may allow course substitution, independent study opportunities, and/or a course taken off-campus for credit (at the student's expense). Any students who experiences an involuntary interruption in their course of study should immediately contact their class dean for academic guidance.

## **PART III - RESIDENCE EDUCATION POLICIES**

### **FURNISHINGS**

Rooms are furnished with a bed and mattress (extra-long twin), dresser/set of drawers, closet or wardrobe, desk and chair, bookcase, trash bin, and recycling bin. Students may not remove College furniture or equipment from its assigned room, suite, lounge or other area within a residence hall and personal furniture cannot be brought in to replace these items. For the safety of all residents, furniture may not be arranged in such a fashion that it impedes access to a door, window, or hallway. If a student has a medical condition and seeks to bring their own bed to campus, they must apply for Medical Accommodations through the Office of Disability Services.

Shades are provided for windows, and students may install curtains or drapes, provided they conform to fireproofing standards and do not damage walls. Any student-installed curtains or drapes must not cause any damage to the walls or other facilities. Drilling curtain rods into the wall is not allowed; tension rods or command hooks supports are recommended as an alternative. Lofted beds of appropriate construction are allowed within the following dimensions: 67" high x 39" wide x 84" long. Due to issues of safety, the College prohibits the use of cinderblocks by students in residence halls. The College does recognize the need for in-room student storage and, therefore, will supply bed risers upon request in order to lift a student's bed. Risers can be requested by submitting a Facilities work order. Waterbeds are not permitted.

### **LOUNGE FURNITURE (College-Owned)**

College-owned furniture is placed in lounges and other locations/common areas on campus for the benefit of all students. Theft, removal, damage or possession of, and relocation to student rooms is prohibited. Students found responsible will face disciplinary actions and/or criminal prosecution. Removal of College furniture or property from public areas or student rooms will result in a fine equal to the cost of the missing furniture.

### **PETS**

No pets are allowed in the residence halls or in student apartment buildings, with the exception of a guide dog that accompanies a visually impaired or other person with a disability or fish in five-gallon aquarium tanks. The College reserves the right to contact the humane society to facilitate the removal of unauthorized animals from campus.

### **NOISE & QUIET HOURS POLICY**

It is expected that all students and their guests will show consideration and respect for the need of others for quiet at all times of the day and night in all areas of campus. Noise caused by radios, televisions, voices, or otherwise should be monitored by the residents of a room so as not to affect the other residents in the building or persons outside the building. It is the responsibility of all students to ensure that a given noise level is not problematic to others. Students should seek out a residence hall staff member if they have questions about this responsibility. The College in its sole discretion reserves the right to make a determination about appropriate levels of noise.

It is expected that residents and their guests will be respectful of others' need for quiet, specifically between 11pm and 8am Sunday to Thursday, and 1am and 8am Friday and Saturday. 24-hour quiet hours are in effect during reading days and final exams. Common courtesy is in effect 24 hours a day, in addition to the following guidelines regarding stereo use:

- Stereo speakers may not be placed in windows, aimed outside;

- Stereos should be played at a reasonable decibel level, and doors to the rooms must be shut. (“Reasonable level” shall be defined and interpreted by peers and, if necessary, by the residence hall staff, Public Safety, or members of the Office of Residence Education staff.)
- There will be minimal or no stereo use during those hours of the day or night designated as “quiet hours” by the residence hall community or during 24-hour quiet hours.

In the event that a conflict arises between two or more parties, each party should seek out the assistance of their resident assistant and/or area director. The residence hall staff will mediate and help students reach an agreement in resolving the noise issue.

### **ROOFS, WINDOWS, AND FIRE ESCAPES**

In the interest of safety and well-being, students are not permitted on the roof or fire escape of any College building, except in the case of a fire or other emergency. Residents may not remove screens from windows or sit on window ledges. Except in cases of a fire or life safety emergency, it is prohibited to use any window as an entrance or egress from a residence hall. Violations may result in a \$100 fine and/or other disciplinary action. Also, it is prohibited to hang any item (such as flag, banner, satellite dish, and/or air conditioner) from any window without the permission of Residence Education. Violations may result in a fine of \$100 and/or removal from housing.

### **SOCIAL GATHERING WITH ALCOHOL FOR SPECIAL INTEREST HOUSING**

All Special Interest Housing organizations hosting social gatherings with alcohol are required to participate in the *Social Gathering with Alcohol Educational Training* prior to hosting a gathering. The minimum expectation for participation in the *Social Gathering with Alcohol Educational Training* is the organization Community Manager, President and/or Risk Manager.

In addition to the policy set forth above, the following policies also apply to certain social gatherings with alcohol:

- Alcohol Policy
  - Medical Amnesty
  - Possession or Consumption of Alcohol by an Underage Individual
  - Excessive Consumption of Alcohol
  - Providing Alcohol to Underage Individuals
  - Driving Paraphernalia/Drinking Games
  - Open Container
  - Unauthorized Locations for Alcohol Consumption
  - Permissible Quantities of Alcohol
  - Central Source
  - Alcohol Delivery
- Disruptive Gatherings
- Quiet Hours

## **PART IV: STUDENT CONDUCT PROCEDURES**

### **SECTION 1: OVERVIEW**

Responsibility for the overall administration of undergraduate and graduate student conduct matters at Babson College has been delegated by the College's president to the vice president of student affairs/dean of students who is responsible for the management of the process. The vice president of student affairs/dean of students has designated authority for direct management of the process to the assistant dean of community standards. The vice president of student affairs/dean of students reserves the right to designate this responsibility to others when necessary.

While most community members never need to make use of the Student Conduct Process, familiarity with established policies and procedures is important. In particular, you should understand your rights and responsibilities as a member of the Babson community as outlined in Part II and IV of this document, the Babson website, and other relevant documents and policies.

You also should understand the purpose, function, and procedures of the College's processes for resolution and adjudication of disputes and disciplinary questions. This section will help you understand the Student Conduct Processes: Administrative Hearing, College Honor Board, and Mediation. Information about the College's Gender-Based Misconduct Policy and related procedures can be found in [Part V of this document](#).

In addition, this section will assist in your understanding of your rights and responsibilities in each of the processes as well as identify resources available on campus in order to facilitate meaningful participation.

Babson College reserves the right to review any matter that it feels may represent a violation of its policies. Students should be aware that there is no prescribed path a given matter may take to resolution. If a matter is to be reviewed, it will be the sole discretion of the assistant dean of community standards to determine the appropriate process. Once the process has been determined, the student will be bound by the procedures both for the original hearing and any appeal procedures that are applicable to that process. The assistant dean of community standards reserves the right to determine if the incident can be disposed of by alternative means of resolution by mutual consent of the parties involved, on a basis acceptable to the staff member. Such disposition shall be final and there shall be no subsequent proceedings.

Below is a general outline of the types of cases heard by each hearing body.

- **Honor Board Hearing**
  - All academic cases\*
    - \*Informal Reviews may be used only if the respondent accepts responsibility for the alleged violation
  - Non-academic cases where it is determined by the assistant dean of community standards that due to the seriousness or type of the alleged violation that input from the larger community is needed.
  - Cases where expulsion is determined by the assistant dean of community standards to be a possible outcome (except in the case of gender-based misconduct allegations).
- **Administrative Hearing**

- Matters in which the relevant facts appear to be without dispute, in the view of the assistant dean of community standards.
- When a student:
  - Accepts responsibility for alleged policy violation(s) and admits to the specific facts that comprise the violation.
  - Does not wish to have the incident further investigated.
- Violations that, in the discretion of the assistant dean of community standards, will result in a sanction up to and including suspension from the College. Cases that could result in expulsion will not typically be assigned to an administrative hearing.
- **Mediation**
  - An option for students involved in a dispute who both are seeking a mutually agreeable resolution (subject to the standards below).
- **Gender-Based Misconduct**
  - Process to resolve complaints involving gender-based misconduct. Information about this process is available in [Part V of this document](#).

Students involved in any of the College's Student Conduct Processes should be clear that these proceedings are not intended to rise to the level of civil or criminal proceedings. In all proceedings, formal rules of evidence and/or procedure are not used.

When an incident cannot be assigned to one of the processes due to school recess, summer session, leave of absence, prior suspension of key individuals, or some other extraordinary circumstance, the decision regarding the appropriate process will be made by the assistant dean of community standards. The assistant dean of community standards has sole discretion in determining the process to be followed and/or any appropriate modifications to each process.

### **CAMPUS RESOURCES**

Students are encouraged to engage in the student conduct process in a meaningful and constructive way. To assist students in this effort, the College provides multiple resources for students to prepare themselves for participation. It should be noted that it is the responsibility of each student to avail themselves of these resources, as they are not automatically provided. The list of resources includes the following: faculty members, staff members in student affairs and/or the Undergraduate/Graduate Schools, students Class Deans/Program Coordinators.

### **STANDARD OF PROOF**

In administrative hearings, honor board hearings and the gender-based misconduct process, the hearing body or officer uses the preponderance of evidence in determining if the respondent is responsible for the alleged violation(s). In other words, preponderance of the evidence means it is more likely than not that a policy violation occurred.

## **SECTION 2 – ADMINISTRATIVE HEARING**

### **ROLE IN THE CONDUCT PROCESS**

Administrative Hearing is used when a student, group of students or student group are allegedly involved in a violation of a College policy or of law. The assistant dean of community standards will make the final determination as to whether an Administrative Hearing is the appropriate method in which to review a given matter.

An Administrative Hearing will be used in cases in one or more of the four following categories:

1. Matters in which the relevant facts appear to be without dispute, in the view of the assistant dean of community standards
2. When a student or student group:
  - a. Accepts responsibility for alleged policy violation(s) and admits to the specific facts that comprise the violation.
  - b. Does not wish to have the incident further investigated.
3. Students or student groups who/that have a prior history or record of involvement in policy violations at the College.
4. Violations that, in the discretion of the assistant dean of community standards, will result in a sanction up to and including suspension from the College and/or cancellation of student group privileges and/or recognition. Cases that could, in the view of the assistant dean of community standards, result in expulsion will not typically be assigned to an Administrative Hearing.

### **COMPOSITION**

The following staff members are Administrative Hearing Officers. The list is not all-inclusive:

- Dr. Lawrence Ward, Vice President of Student Affairs and Dean of Students
- Kate Deeb, Assistant Dean of Student Affairs Administration
- Caitlin Capozzi, Associate Dean of Student Engagement
- Colleen Ryan, Assistant Dean of Community Standards
- Jaclyn Calovine, Associate Director of Community Standards
- Dan DeLuca, Graduate Assistant, Community Standards
- Kevin Araujo-Lipine, Director of Residence Education
- Mike Lynch, Area Director, Residence Education
- Katherine McMahan, Area Director, Residence Education
- Natalie Geist, Area Director, Residence Education
- Michael Lara, Area Director, Residence Education
- Roger Perkey, III, Assistant Area Director, Residence Education
- Jessica Damour, Assistant Area Director, Residence Education
- Melissa Beecher, Director of Student Activities and Leadership
- Kate Buckman, Director, Graduate Student Affairs
- Chuck Collins, Assistant Director, Graduate Student Affairs

### **PROCESS OVERVIEW**

The Administrative Hearing is a meeting between one or two administrators (who act as the hearing body) and respondent(s) involved in the alleged College Policy violation. The assistant dean of community standards has discretion to assign specific hearing officer(s) to a given matter.



### 1. Initiation of Process and Use of the Administrative Hearing

The student will receive a letter in their Babson email informing them of the incident and alleged violation in question. The letter will include the date, time, and location of the appointment with the hearing officer(s) to discuss this issue. Failure to attend the meeting(s) by the date in the letter may result in decisions being rendered without the benefit of input from the student. It is the student's responsibility to promptly reschedule the meeting if they are unable to attend due to academic-related conflicts and to check their Babson email daily following receipt of the notification until the process is resolved.

### 2. Administrative Hearing Procedures

At the Administrative Hearing, the student or student group will be asked to provide their perspective on the incident. The incident report will then be read by the hearing officer(s). The student or student group has the right to request that the hearing officer(s) interview any relevant witnesses. However, witness interviews will be conducted in the sole discretion of the hearing officer(s). All information relevant to the incident must be presented by the student or student group, to the hearing officer(s) at the time of the Administrative Hearing. Please note: incident reports and/or any other relevant written documentation will not be provided to the student prior to the hearing.

### 3. Determining an Outcome

A decision will be made by the hearing officer(s) to determine if the student or student group is to be held responsible in whole or in part for the alleged policy violation(s) and behavior. If the student is found to be responsible, the hearing officer(s) will impose appropriate sanctions. The sanction range incorporates those included in [Part IV, Section 7](#), with the exception of the sanction of expulsion. *It is important to note that sanctions are imposed immediately (unless otherwise noted) regardless of the status of an appeal.*

### 4. Outcome Notification

Notification of the Administrative Hearing decision will generally be provided to the student or student group within three (3) business days after the conclusion of all interviews, meetings, and review related to the case. A decision letter will be emailed to the student's Babson email indicating the decision of the Administrative Hearing Officer(s).

All students have the right to file an appeal of the outcome of an Administrative Review. Please see [Part IV, Section 5](#) for details.

## **SECTION 3 – HONOR BOARD**

### **ROLE IN THE CONDUCT PROCESS**

The Honor Board is a forum in which any member of the Babson community may initiate a complaint against a graduate or undergraduate student. The purpose of the board is to protect the rights of the Babson community and the community in which the College exists, to uphold the values set forth by the College, to assure that all parties receive due consideration in the handling of complaints, and to help students become responsible citizens and accept the consequences of their behavior(s).

### **JURISDICTION**

The Honor Board hears both academic and nonacademic cases. It is the sole determination of the assistant dean of community standards to determine which matters will be reviewed by the Honor Board.

### **COMPOSITION**

The board is drawn from a member pool representing the three Babson constituent groups: students, faculty, and administrators/staff members. The number of members may fluctuate during the course of the year.

A complete listing of the members of the Honor Board as of the date of publication can be found in [Part IV, Section 8](#). This is not an all-inclusive list and is subject to change. For each hearing, a set number of student, faculty, and staff members will be selected. The circumstances surrounding the case may dictate the type of board used.

#### **For Undergraduate Students**

- **Standard Hearing Board:** Student chairperson, three undergraduate students, one faculty member, and one administrator/staff member
- **Short Hearing Board:** Student chairperson, one undergraduate student, and one faculty/administrator/staff member

#### **For Graduate Students**

- **Standard Hearing Board:** Student chairperson, one graduate student, one faculty member, and one administrator/staff member
- **Short Hearing Board:** Student chairperson, one graduate student, and one faculty/administrator/staff member

The chairperson serves as a nonvoting member, and is responsible for running the hearing and facilitating the board's deliberations.

The Assistant Dean of Community Standards has the authority to determine the best course of action when circumstances of a case and/or the timing of a case prevent the advisor from being able to convene a board. For example, the Assistant Dean has the authority elect substitute student representatives (including, but not limited to, an alumnus/ae or a newly selected member) on an ad hoc basis in order to hear cases in a timely manner. Additionally, the Assistant Dean of Community Standards has the sole discretion to determine when a short board will be utilized. In such cases, the chairperson may be called to be a voting member in case of a tie in determining responsibility.

Honor Board hearings will not take place during the summer semesters and/or during winter break. Incidents that would normally be referred to the Honor Board, but are unable to be resolved prior to the end of the fall/spring semester, will be referred to an Administrative Hearing.

### **ROLE OF THE BOARD MEMBER**

Participation on the Honor Board represents one of the clearest examples of meaningful involvement in institutional self-governance at Babson. Board members are dedicated to the maintenance of a system that preserves an atmosphere of order conducive to the pursuit of educational goals, the guiding principles of the College, and that protects the rights of members of the College community and the larger community in which it exists. Board members are expected to be unbiased and without a direct interest in the outcome of a particular case.

Student members are selected each year and serve on the board during the following academic year. The selection process includes an application and an interview with current board members and the board adviser. Student members are evaluated and eligible for reappointment annually. The College president or their designee annually appoints the faculty members, administrators, and staff representatives who serve and are eligible for reappointment. Any member of the board may be “terminated with cause,” by the board adviser or by a majority vote of the board.

The chairpersons must always be undergraduate students. The chairpersons are responsible for assisting the board adviser with the administration of board processes and procedures, working with the adviser to design and implement training opportunities for the board, and handling correspondence within the board. The board chairperson(s) are also responsible for organizing educational outreach efforts and coordinating with various campus resources to maximize programmatic reach.

In addition, at the request of any student appearing before the board, the chairpersons will make themselves available to answer questions regarding the process, to address any reasonable concerns or make appropriate referrals, as necessary.

### **ROLE OF THE BOARD ADVISER**

The assistant dean of community standards appoints a member of the Babson community to serve as the primary adviser to the board on a permanent or interim basis. They also may appoint other advisers as they deem necessary. An adviser is present at all Honor Board hearings and reviews, serves as an information resource during the actual hearing or review, and advises the board as to proper procedures and institutional policy. The adviser does not dictate and/or amend any sanctions imposed by the board, although they may recommend a course of action. The board is not bound to act on the recommendation.

### **PROCESSES AND PROCEDURES**

#### **Initiation for Non-Academic Violations**

Reports of alleged student misconduct may be submitted by any department and by any member of the community. Reports must contain the name of the student(s) who allegedly violated policy; nature and circumstances of the violation, including specific dates, times, locations, and names of potential witnesses (if known to the complainant); and the names(s), address(es), and phone number(s) of the person(s) filing the report.

The Honor Board adviser investigates, as may be appropriate under the circumstances; interprets the alleged misconduct in order to determine whether the conduct in question is a possible violation of

College regulations or policy, local state, or federal law; determines if there is sufficient information to pursue a charge; and identifies the specific charges that will be brought against the student. If appropriate, the assistant dean of community standards may also refer allegations of criminal violations to the department of public safety, the Wellesley or Needham Police Departments or other law enforcement authorities for investigation.

In cases when a complainant requests an Honor Board hearing, the board adviser may make the determination that an Honor Board hearing is not appropriate, as the case does not constitute a significant impact on the community and/or does not require a full investigation. The case may then be referred to an Administrative Hearing.

### **Initiation for Academic Integrity Violations**

Reports of academic integrity violations (i.e., plagiarism, cheating, unauthorized collaboration, fabrication, facilitating academic dishonesty, participation in academically dishonest activities) should be reported to the Honor Board adviser. The adviser will review the information and supporting documentation to determine whether there is sufficient information to formally charge a student with a violation of the academic integrity policy. If there is sufficient information, the Honor Board process is initiated.

There are two processes used by the Honor Board to adjudicate academic integrity violations:

1. **The Honor Board Hearing:** A board convenes for a hearing to review academic integrity violations when the relevant facts of the case or any circumstances related to the incident are in dispute; the respondent's responsibility for a policy violation(s) is in question; the student has a significant disciplinary history and/or has been previously found responsible for an academic integrity violation; the seriousness of the alleged behavior, should the respondent be held responsible, may result in a suspension or expulsion from the College; or when deemed otherwise appropriate by the board adviser. The board is charged with determining responsibility of the respondent relative to the specific charges and deciding an appropriate sanction, if applicable.
2. **The Informal Review Meeting:** The faculty member or complainant, respondent, and board adviser convene for a review of the alleged academic integrity violations in circumstances when the relevant facts of the case or circumstances related to the incident are clear and agreed upon in all material respects, and the respondent(s) accepts responsibility in whole or in part for the policy violation(s) in question. The board adviser may consult with the chairpersons of the Honor Board and will collaborate with the faculty member to jointly determine the appropriate sanction(s). The board adviser may provide guidance to the faculty member based on previous cases comprising with similar facts. If the complainant is not the faculty member, the board adviser may confer with the faculty member in order to determine the sanction(s). Sanction(s) imposed during an Informal Review Meeting may not include expulsion from the College.

In cases of alleged academic integrity violations, until the matter is resolved, the student will receive a grade of Incomplete ("I") for the work and/or course in question.

If a student is found responsible for academic misconduct, the board may impose one or more of the sanctions found [Part IV, Section 7](#). If a student is found not responsible, they will be given a grade on the work in question.

### **THE HONOR BOARD HEARING**

Last updated October 6, 2016

After reviewing the investigation and any supporting documentation, the adviser will send an email to the student informing them of the incident and alleged violation(s) in question. The letter will include the date, time, and location of the pre-hearing meeting where formal charges will be presented, the process will be described, and responsibilities of all parties will be discussed.

### **STUDENT RIGHTS AND RESPONSIBILITIES (ACADEMIC AND NONACADEMIC)**

In order to provide an orderly procedure for the handling of disciplinary matters that will ensure fairness all students involved, the following safeguards will be accorded to all who participate in the Honor Board hearing process.

1. Both the respondent and the complainant have the right to one (1) support person. The support person may be a fellow student, faculty/staff member, or other member of the Babson community, and may be present at the board hearing to provide support. The support person cannot be an attorney or a parent/legal guardian. Additionally, neither attorneys nor parents/legal guardians may attend pre-hearings. This person's role is limited to providing support to a student leading up to and during the hearing process. The support person may not act as a witness for the student. A current member of the board may not serve as a support person. Both the respondent and complainant must notify the board adviser of their support persons' name at least 24 hours prior to the hearing. During the hearing, the support person may not address the board directly or speak directly to witnesses, but may confer at reasonable times, in a reasonable manner, with the student for whom the individual is serving in this role for. The board adviser may exclude a support person from a hearing or terminate a student's right to have a support person, in their discretion, for good cause. The number of support persons/people may be limited at the discretion of the chairperson and/or the board adviser.
2. Undergraduate students are strongly encouraged to notify their parents in advance of their appearance before the board. The board adviser is available to answer any questions that a student's parents may have regarding the process, provided the student consents to a release of information.
3. Prior to any type of formal hearing, the respondent will receive a written notice of the charges and the source of such charges. This letter will be delivered to the student's Babson email account.
4. The respondent has the right to request a pre-hearing meeting with the board adviser to review hearing procedures. In some instances, at the discretion of the assistant dean of community standards, the respondent may use this opportunity to waive the right to a hearing and accept disciplinary action from a College official when that option is offered. In such cases, the student will waive their right to file for an appeal.
5. During the pre-hearing, it is possible that the date of the hearing will not be known. However, the respondent and complainant will be made aware the responsibilities and timeline they have prior to a hearing. It is the responsibility of the complainant and respondent to prepare for the hearing even if the date has not been set.
6. Written notification of the date, time, and place of any hearing will be delivered to the student's Babson email at least five (5) business days before the hearing. It is the student's responsibility to check their Babson email daily following receipt of charges until the process is resolved. The student may have the option of an earlier hearing, provided the board is able to convene before the limit of five (5) business days.
7. All hearings will be closed to the public and the press.
8. The respondent has the right to be heard by an impartial hearing body. Members may be challenged in writing at least two (2) days prior to any scheduled hearing, and will be replaced for good and reasonable cause. The written challenge should be directed to the board adviser

who may confer with the board chairperson and render a decision as to the removal of a board member. If, during the course of any proceedings before the board, a member of the board determines that they may have a conflict of interest, that member of the board shall disclose the potential conflict to the chairperson and shall be permitted to withdraw prior to the board's deliberations. In such cases, the withdrawing member shall not be replaced, and the chairperson shall vote in the case of a tie vote. In the case of two or more members withdrawing from a hearing, the board adviser and board chair will determine the appropriate course of action in the hearing process.

9. It is the responsibility of respondent to promptly resolve any scheduling conflicts with respect to a scheduled hearing. The respondent has the right to request written postponement of a hearing; however, postponement is rarely granted unless there is a significant circumstance that is subject to the procedures of the board and approval of the board adviser.
10. If either the respondent or the complainant fails to appear for the hearing or chooses not to participate in the hearing, it will be the decision of the board adviser whether to reschedule the hearing or proceed without the benefit of input from that party. A hearing that takes place absent one of the principals or with limited or no input from one of the principals is not in and of itself considered grounds for an appeal of the board's decision.
11. At the start of a hearing, the respondent will be asked to respond to the policy violations of which they have been charged. They have the right to respond as follows: not responsible, responsible (with any mitigating circumstances deemed appropriate), or no response.
12. The respondent and complainant will be permitted to call and question witnesses on their behalf. Witnesses are most oftentimes limited to those who have firsthand knowledge of the events being reviewed and may be limited at the board adviser's discretion. Students are not required nor permitted to provide any character references or testimonials on their behalf for the benefit of the board. The respondent and complainant must present a written list of all witnesses to the board adviser for approval at least two (2) business days prior to the hearing (except where a hearing proceeds on an expedited basis, in which case such list shall be presented at least one (1) business day prior to the hearing). The respondent and complainant are solely responsible for communicating with their witness(es) about the date, time, and location of the hearing. The respondent and complainant have access to all witness lists. The lists may be obtained from the board adviser. Witnesses are called into a hearing when needed, and the number may be limited at the discretion of the chairperson and/or the board adviser.
13. The respondent and complainant will each be permitted to speak or present relevant written information on their behalf. Verbal statements may be limited by the board chairperson, should they become repetitious or if they are irrelevant, in their discretion. A respondent or complainant who wishes to submit relevant written documents in support of verbal statements must give copies to the board adviser at least two (2) business days prior to the hearing. The adviser ensures the distribution of the materials to the board. Diagrams depicting the arrangement of a location or situation may also be considered legitimate written information. All parties involved including the respondent, complainant, and members of the hearing board have the right to receive copies and review the written information before the hearing. This information will be provided one (1) business day prior to the hearing.
14. The standard of proof used to deliver a finding of responsibility is the preponderance of the evidence. In other words, preponderance of the evidence means it is more likely than not that a policy violation occurred.
15. All decisions will be based on the written material and verbal statements presented to the board in a particular matter. Previous disciplinary action taken against the responsible respondent may be considered by the board solely in the determination of a sanction once a determination of

responsibility has been made. A respondent may voluntarily discuss details of their prior disciplinary history with the board. However, except in such a circumstance as when the student volunteers their prior disciplinary history during the course of a hearing, the Honor Board is not permitted knowledge of any such history until a finding of responsibility has been reached.

16. The hearing will be recorded. The recording and all correspondence are confidential. The recording may be used in the event that the respondent files for an appeal (as outlined elsewhere in this document). The respondent and/or complainant may listen to the recording in preparation for the appeal process. The recording must be listened to in the Office of Community Standards and in the presence of a designated staff member. Copies of the recording are not permitted. Recordings are generally retained until the end of the appeal process, after which they are destroyed.
17. Personal laptops or other personal recording devices are not permitted in any part of the student conduct process with the exception of the board adviser for recording purposes.
18. Written notification of the board's decision is typically delivered within three (3) business days after the conclusion of the hearing to the respondent's Babson email account.
19. In cases involving more than one respondent, and in which separate hearings are held, the board has the discretion to hear all cases before rendering a decision in any one case. Therefore, the time frame for written notification will be extended until all cases have been heard. Additionally, in cases involving multiple parties, the board adviser will determine whether the students will receive separate and distinct hearings. In making this determination, the board adviser will consider whether the conduct in question arises from a common set of facts, whether separate and distinct hearings would be confusing to the board, or whether separate hearings would not permit the board to consider the information in its proper context.
20. The Honor Board chairperson will prepare a brief written summary and rationale of the decision. This will be made available for review, upon request, to the student charged.
21. Subject to the need to conduct pre-hearing investigations and meetings as described herein and to any requirements imposed under law, all parties involved in a hearing, from pre-hearing meetings through the appeal process, are expected to keep in confidence the names of expected parties involved, charges alleged, sanctions imposed, witnesses, appeal status, etc. In the event of pre-hearing publicity, the chairperson shall ask each member of the board if they have heard or read any of the pre-hearing publicity both prior to and during the hearing, and if so, whether they have the ability to be impartial. In the event that a board member indicates they are unable to remain impartial or if the chairperson believes they are unable to do so, the board member shall be excused. In addition, the chairperson shall instruct the remaining members of the board that they shall not give any weight to the pre-hearing publicity.
22. Although the College cannot compel witnesses, the complainant, the respondent, or support person to keep the case confidential, they are requested to abide by the same standard of confidentiality listed above.

## **HEARING PROCEDURES**

The basic order of questioning and presentation of witnesses is as follows:

1. Introduction of the case by board chairperson and reading of the charge(s)
2. Statement of responsibility
  - i. The student(s) charged is asked to respond responsible, not responsible, or no response to the charges as read
3. Opening statements
  - i. Complainant
  - ii. Respondent(s)

4. Questioning of the respondent(s) and complainant by the board
5. Presentation of witnesses by the complainant
  - i. Questioning by complainant
  - ii. Questioning by respondent(s)
  - iii. Questioning by board
6. Presentation of witnesses by the respondent(s)
  - i. Questioning by respondent(s)
  - ii. Questioning by complainant
  - iii. Questioning by board
7. Questioning of the respondent(s) by the complainant
8. Questioning of the complainant by the respondent(s)
9. Questioning of the respondent and complainant by the board
10. Summation of the case by the complainant
11. Summation of the case by the respondent(s)

The procedural order may be changed during a hearing, should the chairperson deem it beneficial or in order to expedite the hearing process. The complainant and respondent will address the board according to the process outlined above. During a hearing, disruptions of any kind will not be tolerated by the board. In such circumstances, the board chairperson may order the removal of the person causing such disruption and, under extreme circumstances, may in consultation with the board adviser, order the exclusion of that person's statements. The support people for both parties may be present during the hearing, but may not address the board, witnesses, or other individuals present at the hearing. Questions regarding procedures should be directed to the chairperson. The board adviser will provide clarification when appropriate.

### **DETERMINING AN OUTCOME**

When a hearing is concluded, the board adjourns with the adviser present to discuss the information that has been presented, and to make a determination. The standard of proof used to render a finding of responsibility is set in number 14 of student rights and responsibilities. After discussion is complete, a vote is taken to determine responsibility of the respondent relative to each specific charge. A simple majority vote is sufficient for a finding.

In its deliberations, the board considers guidelines provided by the College (regulations and policies with which student compliance is expected are found principally, although not exclusively, in the *College's Community Standards*) the nature of the violation, and the impact of the violation on the individual, the Babson community, the municipalities, including Wellesley and Needham, and the College's reputation as a member of the community at large. The board views each case as distinct, which allows it to consider the unique aspects of every situation.

In deciding an appropriate sanction, the board may consider any relevant past disciplinary record of respondent, including sanctions issued by other hearing officer(s)/body(ies) and any failure by the student to fulfill sanction obligations (which may be referred to the board for future action). The board assumes the responsibility to consider any past information carefully and in perspective. The board is not obliged to follow precedent with respect to sanctions imposed in other cases, but it may choose to do so when appropriate. A list of possible sanctions is available in [Part IV, Section 7](#) (the list is not all inclusive). It is important to note that sanctions are enacted immediately (unless otherwise stated) regardless of the status of the appeal process.



**OUTCOME NOTIFICATION**

When the board has reached a decision, the respondent will receive notification in writing within three (3) business days. Notification will be sent to the student's Babson email. Failure to fulfill requirements of a sanction may result further disciplinary action or a hold being placed on the student's account.

**APPEAL**

All respondents have the right to appeal the Honor Board's decision. For details about the appeal process see [Part IV, Section 7](#).

**INFORMAL REVIEW MEETING**

An Informal Review Meeting may be used to resolve academic integrity violations when:

- Both the respondent and faculty member consent to the Informal Review Meeting.
- The respondent and faculty member have substantial agreement in all material effects on the relevant facts and circumstances. The respondent (i) accepts responsibility for the policy violation(s) in question in whole or in part, and (ii) admits to the facts that comprise the violation(s) in whole or in part.
- The respondent has not previously been found responsible for an academic integrity violation and has no significant disciplinary history at the College.
- For the purposes of the student conduct process, "significant disciplinary history" means (i) a suspension from the College, (ii) any two or more significant disciplinary violations of any type as determined by the board adviser, or (iii) any prior actions for which formal discipline was not imposed but is nonetheless regarded as a serious breach of the standards, to which Babson students are expected to adhere.
- The board adviser has the discretionary authority to immediately refer a case to the Honor Board for a formal hearing process, even if all of the above conditions for an Informal Review Meeting have been met, when it is determined that input from the larger community is appropriate because of the seriousness of the alleged violation and/or potential impact on the community.
- The board adviser has discretion to use an Informal Review, even if all the above conditions are not met, for cases where an expeditious resolution is required or beneficial (e.g., where a student is in their final semester and must have the disciplinary case resolved prior to graduation).

**COMPOSITION**

The Informal Review Meeting will consist of the faculty member, the respondent, and the board adviser or their designee. The student chairperson may attend the meeting if they are available but their attendance is not required. The board adviser or their designee is present at all meetings and serves as an information resource during the meeting and advises on proper procedures and relevant College policy. Should the board adviser not be available, the meeting can proceed with the respondent and faculty member provided there is agreement by the board adviser in advance of the meeting, a designee attends in their stead, and/or they review and approve the outcome.

**STUDENT RIGHTS AND RESPONSIBILITIES DURING AN INFORMAL REVIEW**

In order to provide an orderly procedure for the handling of academic misconduct matters that will ensure fairness to the respondent, the following safeguards will be accorded to all who participate in the process.

- The respondent will meet with the board adviser for a pre-hearing meeting in accordance with the procedures as outlined in the previous section for non-academic cases.
- At the pre-hearing meeting, the board adviser will discuss the student's rights and responsibilities as well as outline the procedures for both the Honor Board Hearing and Informal Review Meeting processes.
- The board adviser will inform the respondent if the Informal Review Meeting is an option. In such an instance, the respondent will have up to three (3) business days following the pre-hearing meeting to:
  - Inform the board adviser if they consent to the Informal Review Meeting;
  - Submit to the board adviser a "statement of facts" outlining the specific details relating to their involvement in and responsibility for the policy violation(s) for which they have been charged.
  - The faculty member will be notified that the Informal Review Meeting is an option and will be provided an opportunity to review the statement of facts in advance of the review meeting and may, but is not required to, submit any additional information relevant to the specific incident. If such materials are submitted in advance, they shall be provided promptly to the student. If there is not substantial agreement on the relevant facts between both parties, as they are outlined in the written statement, the case will be referred to the Honor Board for a formal hearing.
- If the above conditions are met, the Informal Review Meeting will be scheduled with the respondent, faculty member, and board adviser or their designee. Written notification of the date, time, and place of the meeting will be delivered to the student's Babson email account. It is the student's responsibility to check their Babson email daily following the receipt of charges until the matter is resolved. The respondent's statement of facts will be distributed in advance of this meeting for review by all participants. If the respondent fails to appear for the meeting, an outcome may be determined without their input.
- At any point during the Informal Review Meeting, the board adviser may elect to refer the case to the Honor Board for a formal hearing, including in those instances where (1) material facts are disputed, (2) the respondent is not accepting full responsibility for the policy violation(s) in question, and/or (3) there is disagreement about the outcome for the violation(s).

#### **PROCEDURES FOR AN INFORMAL REVIEW MEETING**

The basic order of questioning and presentation of information is as follows:

1. At the Informal Review Meeting, the board adviser or their designee will summarize the facts of the case, as they are described in respondent's statement of facts.
2. The board adviser or their designee will ask questions of the respondent and/or faculty member and/or initiate a discussion to clarify the facts of the case, if necessary.
3. The respondent and the faculty member will have an opportunity to ask each other questions and/or to initiate a discussion to clarify the facts of the case.
4. The board adviser or their designee will make orally any necessary modifications and/or addition as to the statement of facts resulting from the questioning during the meeting.
5. The board adviser or their designee will propose a "likely outcome" if the Honor Board was to have heard the matter in a formal hearing. The faculty member will propose an outcome for further discussion, if necessary.
6. Following the respondent and faculty member's review of the statement of facts and the "likely outcome," both the respondent and the faculty member will be asked to sign an agreement accepting:
  - a. Responsibility (respondent only) for the policy violation(s)

- b. The accuracy of the statement of facts
- c. The proposed sanction(s)
- d. A notice waiving their right to file for an appeal (respondent only).

**DETERMINING AN OUTCOME**

If both parties agree, the board adviser or their designee will review and provide a final authorization to ensure the agreement was reached in accordance with the process described above. Once the agreement has been signed, it is final and there is no opportunity to submit an appeal. If either party does not agree in full and/or expresses disagreement with the statement of facts or sanctions, the matter will be referred to the Honor Board for a formal hearing.

In the Informal Review Meeting, sanctions listed in [Part IV, Section 7](#) may be imposed but may not include expulsion from the College.

## **SECTION 4 – MEDIATION**

### **ROLE IN THE COMMUNITY**

Mediation is appropriate in a situation that involves two or more individuals who are in a dispute. Further, the individuals involved in the dispute both seek a mutually agreeable resolution. The mediation process is both confidential and voluntary. Mediation is unrelated to the student conduct process in its purpose and design and will not be used in situations involving an allegation of sexual violence.

### **AVAILABILITY**

Mediation may be available to all members of the undergraduate and graduate communities. The use or offer of mediation is made at the discretion of the assistant dean of community standards in consultation with the parties in dispute.

Any member of the community wishing to use mediation should contact the Assistant Dean of Community Standards, Colleen Ryan, at [cryan10@babson.edu](mailto:cryan10@babson.edu).

### **COMPOSITION**

Mediation is composed of a mediator(s) and the two or more individuals who are in a dispute.

### **ROLE OF THE MEDIATOR**

The mediator facilitates a conversation between the disputants with the goal of reaching of an agreement that satisfies the concerns presented and meets the standards of acceptable behavior in a community environment. The role of the mediator is not to impose a solution or offer College intervention to bring about an outcome.

### **INITIATION OF MEDIATION**

The mediation process will be initiated only when both parties agree to have their conflict heard by a mediator. The parties will then meet with a mediator to better understand the guidelines for campus mediation.

### **OUTCOME**

At the conclusion of the mediation, all agreed-upon recommendations, stipulations, and expectations are recorded and signed by the parties involved. A formal record of the mediation is placed in each student's file.

### **APPEAL**

Any outcome derived from mediation is not College imposed; thus, there is not an ability to appeal the results of the mediation. A failure to abide by the agreement resolution results only in the prolonged condition of the dispute, which left unattended, may require official College intervention.

## **SECTION 5 – APPEALS**

Guiding principles of the appeal process:

- Appeals are confined to a review of the case file based on one or more of the pertinent grounds for appeal described below. Appeals are not intended to re-hear the allegations or to constitute a de novo review of the case.
- Absent clear and material error, appeals determinations are intended to be deferential to the original decision-maker. Findings should be revised by the appeal officer only when remanding for reconsideration or granting a new hearing would be insufficient, impractical or unnecessary. Sanctions should be revised by the appeal officer only if there is a compelling justification to do so.

An appeal must be submitted within three (3) business days after the decision letter is delivered to the student's Babson email account. An appeal may be made solely on the grounds of:

1. Error in the charge, misapplication of the policy and/or error in the investigation or sanctioning process that has materially affected the outcome (e.g., substantiated bias, material deviation from established procedures, etc.),
2. New information that could not have been discovered prior to the hearing through the exercise of reasonable diligence and that would have materially affected the outcome. A summary of this new evidence and its potential impact must be included in the written appeal; or
3. The sanctions imposed fall outside the range of sanction guidelines and are grossly disproportionate to the violation(s) committed.

The Assistant Dean of Community Standards or designee shall act as the appeal officer for Administrative Hearings and the Vice President for Student Affairs or designee shall act as the appeal officer for Honor Board cases. The appeal must be made in writing to the appeal officer and must clearly and succinctly outline and explain how the specific grounds described above have been met. The party submitting the appeal has the burden of demonstrating how the above grounds have been met.

After reviewing the written appeal(s), written statement(s), and associated case file, the appeal officer will take one of the following actions:

1. Reject the appeal as untimely or improper based on the grounds articulated above.
2. Uphold the original decision and/or sanction.
3. Grant the appeal and:
  - a. Remand the case with specific instructions to the original hearing officer or hearing body for further consideration;
    - i. In rare circumstances in which it would be impractical, improper, or infeasible to remand the case:
      1. Grant a new hearing or
      2. Revise the outcome of the hearing from a "not responsible" to a "responsible" finding, or from a "responsible" to a "not responsible" finding. If the outcome of the hearing is revised from a "not responsible" to a "responsible" finding, the appeal officer will determine the final sanction(s).
  - b. Modify the sanction(s) by reducing or enhancing the sanction(s). A rationale will be provided by the appeal officer when a sanction is modified;

## **SECTION 6 – GLOSSARY OF TERMS**

The following glossary is intended to better acquaint readers with some of the terms used throughout this document. Questions regarding a more detailed understanding of these terms should be directed to the assistant dean of community standards.

**Complainant:** The person who either initiated the complaint or the person who investigated the complaint.

**Charge Letter:** Correspondence in letter form from the Office of Community Standards indicating that there has been a formal question raised regarding a violation of a College policy or regulation. The purpose of the letter is to inform the student of the general nature of the issue in question and outline next steps in the process.

**Decision Letter:** Correspondence in letter form from the Office of Community Standards outlining: the formal policies or regulations reviewed, the finding of the board or hearing officer(s) regarding responsibility of the student for violation of those policies or regulations, and the sanctions (if any) that will be applied as a result of the finding of responsibility. It should be noted that all outcome/sanction letters will be placed in the student's educational record. However, only in cases of College suspension or expulsion will a transcript notation be made.

**Respondent:** The student responding to alleged violations of College policy or regulations.

**Sanctions:** Outcome(s) that are the result of a student being found responsible or having accepted responsibility for the violation of a particular policy or regulations. A partial listing of possible sanctions is published in [Part IV, Section 7](#).

**Support Person:** A member of our community (student, staff, or faculty) that works with students and/or student groups going through the Honor Board process. The support person does not play an active role in the hearing but rather works to provide support to a student, or student group, leading up to and/or during the hearing process. More information about this role in the process is outlined in the Honor Board section above.

**Witness:** An individual who either, in-person or in-writing, can provide the hearing board or officer with a firsthand account of the events under consideration. Students are not required nor permitted to provide any character references or testimonials on their behalf for the benefit of the board or hearing officer(s).

## **SECTION 7 – SANCTIONS**

The following is a list of possible sanctions available in the student conduct process involving an individual or group. This list is not exclusive and other sanctions may be imposed.

### **Academic Sanctions**

**Academic Integrity Seminar:** An online seminar targeting the role of honesty, ethics, and trust in the everyday decision-making process. The seminar uses many types of readings and reflections to accomplish this goal. Students are responsible for the tuition for the seminar which is \$100.

**Academic Integrity Violation Transcript Notation:** Students found responsible for an academic integrity violation will have a transcript notation designated to the class in which the academic integrity violation occurred. This notation will be in place for no less than 12 weeks as a result of this violation. The notation will be removed after successful completion of the Academic Integrity Seminar and payment of the fee. Students with a second academic integrity violation will have a permanent transcript notation placed.

**Course Grade Reduction:** The student will receive a “0” grade on specified percentage of the overall course grade for an academic misconduct violation. This grade will be averaged with the overall grade earned in a course.

**Failure in a Course:** The student will fail the course, without reimbursement, for an academic misconduct violation. The student’s official transcript will reflect the letter grade of “F.”

**Failure on a Paper, Project, Examination, or Course Component:** The student will receive a “0” grade on a paper, project, examination, or relevant course component(s) of the overall course grade for an academic misconduct violation. This grade will be averaged with the overall grade earned in a course.

**Permanent Transcript Notation:** When a student is found responsible for a second violation of academic integrity, a permanent transcript notation will be placed next to the grade in the class where the violation occurred.

### **Alcohol and Other Drug Sanctions**

**BASICS** (Brief Alcohol Screening & Intervention for College Students): BASICS is an educational intervention for college students around their alcohol use. The program is aimed at reducing the adverse effects of alcohol consumption, promoting reduced drinking and healthier choices, and provides important information and coping skills for risk reduction. BASICS is conducted over the course of two interviews with a member of the Wellness Team.

**Individual Consultation:** Students are required to attend one individual meeting with a member of the Wellness Team. The meeting will last approximately 45-60 minutes and is designed to offer an opportunity for students to reflect on their current substance use.

**Substance Use Assessment:** The student is required to complete a Substance Use Assessment through an outside agency. The student is responsible for paying any necessary fees for this assessment. The assessment is designed to provide an opportunity for the student, with the assistance of a licensed

clinician, to explore their substance use in a broader context by examining other social, emotional or psychological factors that may be contributing to the student's choices regarding their substance use. To successfully complete this sanction, a student is required to meet with the clinician for a minimum of two sessions. The Director of the Babson Counseling Services will assist the student in finding an appropriate clinician to complete the assessment.

### **Warning Levels**

**Deferred Loss of Housing, Suspension, or Expulsion:** A period of time during which the student's actions are subject to close examination. Violations committed during this period will be considered with prejudice by the decision-maker(s) and may result in an immediate removal from housing, suspension for a period of time, or expulsion.

**Deferred Loss of Privileges:** A period of time during which the student's actions are subject to close examination. Violations committed during this period will be considered with prejudice by the decision-maker(s) and may result in an immediate loss of privileges as it had been defined by the decision-maker(s).

**Disciplinary Probation:** A period of time during which the student's actions are subject to close examination. Violations committed during this period will be considered with prejudice by the decision-maker(s).

### **Change of Status Sanctions**

**Expulsion:** Permanent removal from the College with no right to seek reinstatement. Expulsion also includes a permanent notation of the student's transcript.

**Loss of Housing:** The loss of the privilege to reside on-campus permanently or for a designated period of time. This sanction includes the forfeiture of moneys previously paid for on-campus housing and may include forfeiture of the right to participate in the housing lottery.

**Suspension:** Removal from Babson College for a specified period of time. During a suspension, a student may not register for or attend classes, participate in or attend co-curricular activities or College events, live in the residence halls or access any College property or facility. This sanction includes a transcript notation. (Upon the student's impending graduation, the student may petition the dean of Student Affairs or his or her designee, in writing, to request that the notation be removed from the transcript. Removal is in the full discretion of the dean of student affairs.) Additional restrictions regarding transferable College credit may be imposed. Please refer to the [Undergraduate Student Handbook](#) and [Graduate Student Handbook](#) for policies regarding applicable refunds of semester charges. During a suspension, the student is expected to adhere to all College policies and will be held accountable for any violations during the period of suspension. The College may specify additional conditions for readmission after a suspension.

### **Other Sanctions**

**Educational Assignment:** A written reflection of the incident and/or a written assignment aimed at further educating the student of the violation and its impact on the community.



**Ethics Reflection:** A one-on-one reflection with the Assistant Director of Faith and Service.

**Fines:** Fines may be assigned for violations of the College alcohol and drug policy and for violations of fire regulations or in other appropriate circumstances.

**Loss of Privileges:** Loss for a specific period of time, of the privilege of participating in cocurricular activities including intramural and intercollegiate athletics, positions of leadership in clubs and student groups, campus-wide programs and events, and parking. It also includes loss for a specified period of time any or all privileges of a recognized student group.

**Mediation:** A facilitated dialogue between the disputants with the goal of reaching of an agreement that satisfies the concerns presented and meets the standards of acceptable behavior in a community environment.

**Meeting with Campus Administrator:** The decision-maker may deem it necessary that a student complete a pre-determined amount of meetings with another campus administrator.

**Parental Notification:** In cases involving undergraduate students, the decision maker may determine that the student's parents will be notified of the violation and the assigned sanctions.

**Reassignment to Another Room or Living Area:** When the behavior in question is deemed to be significantly detrimental to the residential community in which the student is residing, or to his or her roommates, the student may be required to relocate to another living area on campus designated by the College. This sanction is made in consultation with the Office of Residence Education and Housing. No guarantee of exact or similar housing accommodations can be made for every situation, nor shall it be a requirement.

**Re-Entry Meeting:** Students returning to housing after temporarily being removed and/or returning to campus after a suspension are required to complete a re-entry meeting with a staff member from the Office of Community Standards.

**Restorative Justice Conference:** A collaborative decision-making process that includes all parties that were involved in an incident/case. This includes but is not limited to: victims, offenders/respondents, witnesses, those that responded to the incident (i.e.: RAs, Public Safety, local authorities), and any other community members that were somehow impacted/harmed.

**SECTION 8: THE COLLEGE HONOR BOARD 2016-2017 ACADEMIC YEAR****Honor Board Chairs**

Stela Maksutaj '17; Fred Maley '17

**Student Members**

Jinane Gedeon Achi '17; Monica Cabello '19; Lauren DeStephano '17; Sam Gaudet '18; Ji Hwan Kim '17; Oscar Liot '19; Andrew Maestas '18; Priyanka Mehta '17; Nadia Mendes '18; Jaclyn Paul '18; Melissa Perlman '17; Campbell Peterson '18

**Graduate Members**

Kenneth Carey; Mauricio Iturralde; Ryan Munro

**Faculty Members**

Denise Troxell, Mathematics and Statistics; Charles Winrich, Science; Virginia Rademacher, Arts and Humanities; Mary Pinard, Arts and Humanities; Nathan Karst, Mathematics and Science

**Administrative Members**

Theresa Holland, Human Resources; Kate O'Leary, Human Resources; Nellie Pineault, Athletics; Liz Saumsiegle, Glavin Office of Multicultural & International Education; Kevin Araujo-Lipine, Residence Education; Katherine McMahon, Residence Education; Brett Chin, Glavin Office of Multicultural & International Education; John Crisafulli, Glavin Office of Multicultural & International Education

*Note: In the event a particular officer or staff person is designated as having responsibility for a particular aspect of the College Student Conduct Process, the designee or successor of such officer or staff person shall carry out his or her responsibilities in the event that officer or staff person is called upon as a witness, has a direct involvement in the circumstances giving rise to the matter, or is no longer at the College.*

## **PART V: GENDER-BASED MISCONDUCT POLICIES & PROCEDURES**

- I. **INTRODUCTION - NOTICE OF NON-DISCRIMINATION**
- II. **SCOPE OF POLICY/JURISDICTION**
- III. **DEFINITIONS**
- IV. **RESOURCES AND ACCOMMODATIONS**
- V. **INTERIM MEASURES**
- VI. **REPORTING OPTIONS AND CONFIDENTIALITY OF INFORMATION**
- VII. **INVESTIGATION/RESOLUTION PROCESS**
- VIII. **SANCTION GUIDELINES**
- IX. **APPEAL PROCESS**
- X. **NOTICE OF RIGHTS**
- XI. **OTHER PROVISIONS**
- XII. **PREVENTION, EDUCATION AND TRAINING**
- XIII. **TITLE IX COORDINATOR CONTACT**

### **I. INTRODUCTION - NOTICE OF NON-DISCRIMINATION**

Babson College (the “College”) is committed to preserving a learning environment that promotes the health and safety of our community members. This community must be free from gender-based discrimination and the College therefore strictly prohibits gender-based discrimination in any and all forms, including harassment and misconduct. Such misconduct is considered to be one of the most serious violations of the College’s community standards.

Title IX of the Education Amendments of 1972 prohibits discrimination based on sex in educational programs and activities that receive federal financial assistance. To ensure compliance with Title IX and other applicable laws, the College has developed the following policy that prohibits discrimination on the basis of gender, gender identity or expression, including but not limited to sexual misconduct, sexual violence, sexual harassment, intimate partner violence, stalking, and any other gender-based harassment or misconduct. Harassment or discrimination based upon an individual’s sexual orientation is considered gender-based misconduct under this policy.

Whether or not a complaint or report has been filed, the College will promptly and effectively respond to allegations of gender-based misconduct and take immediate action to eliminate the harassment, prevent its recurrence, and address its effects in accordance with this policy. When a community member is found to have violated this policy, sanctions may be implemented in an effort to ensure that such actions are not repeated. This policy is intended to define community standards and to outline the investigation and grievance procedures when those standards are alleged to have been violated. Any attempt to engage in conduct prohibited under this policy will be treated as a violation unless the attempt is abandoned or the prohibited conduct is prevented from occurring under circumstances that demonstrate a voluntary change of behavior. Aiding or cooperating in the violation of this policy is also prohibited.

Babson College does not discriminate on the basis of race, color, national or ethnic origin, ancestry, religious creed, sex, pregnancy, sexual orientation, gender identity, gender expression, age, genetics, physical or mental disability, veteran status, military obligations, participation in discrimination complaint-related activities, or any other characteristic protected by federal, state, or local laws in its practices, programs or activities.

## II. SCOPE OF POLICY/JURISDICTION

The scope and jurisdiction of this policy are the same as set forth in [the beginning of this document](#). To the extent that additional alleged violations of the College's community standards other than gender-based misconduct arise in the context of this policy, such related allegations may be addressed hereunder in the sole discretion of the Assistant Dean for Community Standards.

This policy relates specifically to student behavior and applies when the accused (hereafter referred to as "respondent") is a student or a student group. When the respondent is a Babson faculty or staff member, the matter will be addressed in accordance with the policies set forth in the [College's Gender-based Misconduct Policy for Faculty, Staff, and Affiliated persons](#).

## III. DEFINITIONS

The following are definitions of prohibited conduct under this policy.

**Gender-Based Misconduct** – Gender-based misconduct is a broad term which encompasses unwelcome conduct of a sexual nature that is prohibited by Title IX and the College. The term includes but is not limited to sexual harassment, sexual assault, sex discrimination, sexual violence, rape, intimate partner violence, domestic violence, and stalking.

**Sexual Harassment** – Any unwelcome and/or unsolicited gender-based verbal, written or physical conduct of a sexual nature. Sexual harassment **must also fall within the definition** of hostile environment harassment and/or quid pro quo sexual harassment.

- Hostile environment sexual harassment exists where harassment is sufficiently severe, persistent, or pervasive and objectively offensive such that it unreasonably interferes with, limits or denies the ability to participate in or benefit from the College's educational or employment program and/or activities.
- Quid pro quo sexual harassment exists when there are unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature where submission to, or rejection of, such conduct results in adverse educational or employment consequences. Quid pro quo harassment may also exist when a threat of adverse action or a promise of a benefit is conditioned on submission to, or rejection of, such requests.
- Behaviors that may constitute sexual harassment include but are not limited to:
  - Sexual advances, regardless of whether or not they involve physical touching;
  - Requesting or demanding sexual favors with respect to employment, academic or other College activities;
  - Lewd or sexually suggestive comments, jokes, gestures, or innuendos;
  - Displaying sexually suggestive objects or pictures;
  - Inquiries into one's sexual experiences;
  - Discussion of one's sexual experiences;
  - Unwelcome leering, whistling, gestures, suggestive or insulting comments;
  - Unwelcome communications (verbal, written, electronic, etc.) of a sexual nature;
  - Gossip about one's sex life or comments about an individual's sexual activity;
  - Failure to accept the termination of a consensual relationship with repeated and persistent requests and behavior.

### Sexual Misconduct

- **Non-Consensual Sexual Penetration** – Any sexual penetration (anal, oral, or vaginal), however slight, with any part of one’s body or any object by a person without Effective Consent. Non-consensual penetration includes both situations where a person’s body is penetrated without Effective Consent and situations where a person is forced, caused or made, without their Effective Consent, to penetrate another person’s body.
- **Non-Consensual Sexual Contact** – Any intentional sexual touching, however slight, with any part of one’s body or any object by a person without Effective Consent, or any disrobing of another by a person without Effective Consent
- **Sexual Exploitation** – Taking sexual advantage of another person without Effective Consent. Examples include but are not limited to:
  - Causing or attempting to cause the incapacitation of another person to effect Sexual Misconduct through ingestion or use of drugs or alcohol or otherwise;
  - Exposing one’s genitals or other intimate body parts to a particular person and/or to the general public;
  - Electronically recording, photographing, or transmitting intimate or sexual utterances, sounds or images of another person without consent;
  - Allowing third parties to observe consensual or non-consensual sexual acts without the consent of each person being observed;
  - Engaging in voyeurism (i.e. observing people engaging in private or intimate acts without their Effective Consent);
  - Distributing intimate or sexual information about another person without consent;
  - Prostituting or soliciting another person or causing the prostitution of another person; and/or
  - Knowingly exposing another person to a sexually transmitted infection or disease, including HIV.

### **Effective Consent**

Effective Consent is consent that is informed, knowing **and** voluntary. Effective Consent is mutually understandable words or actions which indicate willingness to participate in mutually agreed-upon sexual activity. Consent obtained as a result of physical force, threats, intimidating behavior, duress or coercion is not Effective Consent.

Effective Consent may never be given by minors (in Massachusetts, those not yet sixteen (16) years of age), mentally disabled persons, those who are unconscious, unaware, and/or otherwise physically helpless and/or those who are in a state of incapacitation as a result of alcohol or other drug consumption (voluntary or involuntary). A person who engages in sexual activity with another person who they know or should reasonably have known is unable to provide Effective Consent will be in violation of this policy.

Incapacitation - Incapacitation is a state beyond drunkenness or intoxication. Incapacitation is a state where one cannot make a rational, reasonable decision because they lack the ability to understand the nature (i.e., the **who, what, when, where, why or how**) of their sexual interaction. (For example, an individual may experience a blackout state in which they do not have conscious awareness or the ability to give consent. That person may be considered incapacitated.)

In addition, it is important to understand that:

- Consent is mutually understandable when a reasonable person would consider the words and/or actions of the parties to have expressed a mutually understandable agreement to do the same thing, in the same way, at the same time, with one another.
- In the absence of mutually understandable words or actions, it is the responsibility of the initiator, or the person who seeks to engage in the specific sexual activity, to make sure that they have the consent from their partner(s) prior to initiating sexual activity.
- Effective Consent is active, not passive.
- Effective Consent to one form of sexual activity does not constitute Effective Consent to other forms of sexual activity. Effective Consent must be obtained with respect to each form of sexual activity in which parties intend to engage.
- The person who is the object of sexual advances is not required to physically or otherwise resist. The absence of resistance will not, in itself, suffice to demonstrate Effective Consent.
- Silence, previous sexual relationships or experiences, and/or a current relationship may not, in themselves, be taken to demonstrate Effective Consent.
- Intentional use of alcohol or other drugs does not excuse a violation of this policy.
- Consent to sexual activity may be withdrawn at any time, as long as the withdrawal is communicated clearly (as set forth in the definition of Effective Consent). Once consent is withdrawn for some or all sexual activity, such activity must cease without delay.
- Coercion is unreasonable pressure for sexual activity. Seeking to persuade someone to engage in either sexual activity in general, or any particular sexual acts, after they have made clear they do not wish to do so may be considered coercive. In assessing whether coercion was used, the frequency, duration, and intensity of the pressure applied will be taken into consideration.

**Stalking** – Any behaviors or activities occurring typically on more than one occasion that collectively instill fear and/or threaten a person’s safety, mental health, and/or physical health. Such behaviors or activities may include but are not limited to the following:

- Non-consensual communication (e.g., face-to-face communication, telephone calls, voice messages, text messages, email messages, communication via social media networks, written letters, gifts, or any other communication that a reasonable person should have known was unwanted)
- Threatening or obscene gestures;
- Surveillance, trespassing or pursuing; or
- Waiting, or showing up uninvited at a place of residence, classroom, workplace, etc.

**Intimate Partner Violence** – Any abusive behavior in an intimate relationship, whether emotional, psychological, physical or sexual, including any behavior that one person in an intimate relationship uses in order to control the other. This type of behavior may be a single act or a pattern of behavior in relationships. Examples include but are not limited to:

- Threats;
- Demeaning or derogatory communications that amount to abusive behavior;
- Preventing contact with family or friends; or
- Actual or threatened physical harm.

**Retaliation** – Any intentional adverse action taken against a person on the basis of their participation in a protected activity. Retaliation can include intentional action taken by a respondent or allied third party as reprisal for participating in a protected activity.

Examples of protected activity include but are not limited to:

- Participating in or otherwise assisting with a College investigatory procedure or law enforcement investigation;
- Filing a complaint alleging a College policy violation or a violation of law; or
- Filing a complaint about the College's policy for resolving alleged violations of policy.

Examples of adverse action include but are not limited to:

- Threats, intimidation, continued harassment or other misconduct;
- Discouraging an individual from participation in an investigation or adjudication process; or
- Adverse educational or employment consequences.

The College maintains the right to take action against a student for other legitimate reasons in accordance with College policies and procedures, even if that student has filed a complaint under the gender-based misconduct policy or otherwise participated in a protected activity.

Retaliation by any member of the College community or any person acting on their behalf is strictly prohibited. Retaliation is a serious violation that can result in sanctions independent of the merits of the underlying complaint or allegation. The College will respond immediately to retaliation and impose disciplinary measures as appropriate, including but not limited to interim or longer term suspension from the College.

Retaliation should be promptly reported to the deputy Title IX coordinator as outlined in Section VI B below. Intentional adverse action taken against a respondent after it was determined that the respondent did not violate the College's Gender-based Misconduct policy may be considered a violation of the College's Harassment policy and/or other College policy and should also be reported to the deputy Title IX coordinator.

**For information on sanctions, please see Section VIII (Sanction Statement)**

#### **IV. RESOURCES AND ACCOMMODATIONS**

Individuals who have experienced gender-based misconduct have options and resources available to them whether or not they choose to participate in an internal or criminal investigation. The College seeks to ensure that such individuals feel supported and safe.

The College encourages all individuals who have experienced sexual assault to ***promptly*** seek appropriate medical attention and to preserve any evidence. Confidential medical care is available whether or not an individual chooses to report the incident to the College or to an external law enforcement agency (e.g., the Wellesley Police Department). For information about medical care and the preservation of evidence, please see the [Sexual Assault Prevention and Response Services](#) website.

The Title IX coordinator and the director of sexual assault prevention and response services can provide the following assistance and accommodations to students who have experienced gender-based misconduct by:

- informing them of, and connecting them to, available victim advocacy, academic support, counseling, disability, health or mental health services, and legal assistance both on and off campus;
- issuing a no-contact order (if the person with whom a student wishes to avoid contact is affiliated with the College);

- helping arrange a change to a student's on-campus housing, working arrangements or course schedules or adjustments for assignments or tests;
- informing the student of their right to report a crime to campus or local law enforcement and to seek protective orders through the courts – and providing the student with assistance if the student wishes to do so.

Reasonable accommodations will be provided if requested by a student who experienced gender-based misconduct irrespective of when the misconduct occurred, whether it involved another Babson community member, or whether the student requesting accommodation reports a crime to law enforcement or files a formal complaint with the College. If confidentiality is requested, accommodations will be implemented as feasible while preserving the privacy of the complainant as much as is possible.

Students may also choose to take advantage of off-campus resources. Please [click here](#) for a comprehensive list of off-campus resources in the Boston area. Off-campus counselors, advocates, and health care providers will generally maintain confidentiality and not share information with the College unless the individual requests the disclosure and signs a consent or waiver form.

While off-campus counselors and advocates may maintain an individual's confidentiality by not informing the College, they may have reporting or other obligations under applicable law. These may include making reports to governmental agencies in cases involving minors, persons with disabilities and the elderly; a requirement to provide testimony in response to a subpoena or court order; or where the individual is at risk of imminent harm to self or others.

## **V. INTERIM MEASURES**

When the College is made aware of an alleged violation of the gender-based misconduct policy, it will promptly take steps to ensure equal access to its programs and activities and protect the safety and well-being of affected individuals.

At any point after receiving a report of gender based misconduct, the College may put in place interim restrictions to stop the alleged harassment or discrimination, and to protect the safety and well-being of an individual and/or the College community. These actions may include, but are not limited to, College housing suspensions, campus access restrictions, and College suspensions in accordance with applicable policies and procedures. Interim action is preliminary, and shall remain in effect only until the gender-based misconduct process is complete and a decision is rendered by the College. [Click here for the full interim restriction policy](#). The specific interim measures implemented and the process for implementation will vary depending on the facts and circumstances. To the extent possible, interim measures will be imposed in a way that minimizes the burden on the complainant while balancing the rights of the respondent.

When an interim restriction decision has been made in reference to an allegation of a violation of the gender-based misconduct policy, the complainant also has the right to petition the vice president of student affairs and dean of students for a modification of this restriction.

## **VI. REPORTING OPTIONS AND CONFIDENTIALITY OF INFORMATION**



The College encourages individuals who have experienced gender-based misconduct to promptly talk to somebody about what happened, so that they can get the support they need and the College can respond appropriately. The College will take seriously every report of gender-based misconduct, offering appropriate support and allowing individuals to maintain as much control as possible over their situation. When considering who to speak with about something that happened, it is important to understand the difference between *confidential*, and *non-confidential* resources.

## RESOURCES AND REPORTING OPTIONS

### A. Confidential Resources

The following resources are not required to report any information about an incident to the Title IX coordinator or others at the College without an individual's permission. Contact information for these individuals follows below:

- The physicians and nurse practitioners in Health Services, on the first floor of Hollister Hall. Health Services can be reached by calling 1-781-239-6363 or students can make an appointment online at [babson.medicatconnect.com](http://babson.medicatconnect.com).
- The psychologists, psychiatrists, and social workers at Babson Counseling Services (provided by Human Relations Services, Inc.). HRS is located at 11 Chapel Place in Wellesley. However, the Director of Counseling Services and the Assistant Director of Counseling Services both have offices in the Wellness Center in Park Manor South and are on-campus Monday-Friday 8:30am-4:30pm. Students can make an appointment by contacting Counseling Services at 781-239-6200 during business hours or emailing [counselingservices@babson.edu](mailto:counselingservices@babson.edu). Please Note: The College provides all students with 8 pre-paid counseling sessions per academic year. Transportation to HRS can be provided, at no charge, by Babson Community Service Officers through Public Safety.
- Ordained chaplains in the Office of Faith and Service located in the Glavin Chapel, who can be contacted by calling 781-239-5623
  - Ecumenical Chaplain, Rev. Jenny Rankin
  - Catholic Priest, Maurice Ashley Agbaw Ebai
  - Rabbi, Richard Backer

The following resources can generally talk to individuals without revealing any personally identifying information about an incident to the College. Individuals can generally seek assistance and support from these individuals without triggering a College investigation that could reveal the individual's identity.

While maintaining an individual's confidentiality, these individuals or their office must report the nature, date, time, and general location of an incident to the Title IX coordinator. This limited report – which does not include information that would directly or indirectly identify the individual – helps keep the Title IX coordinator informed of the general extent and nature of sexual misconduct on and off campus so the coordinator can track patterns, evaluate the scope of the problem, and formulate appropriate campus-wide responses. Before reporting any information to the Title IX coordinator, these individuals will consult with the individual to ensure that personally identifying details are not shared with the Title IX coordinator.

Babson College SAFE HOTLINE:

- The SAFE Hotline is a Babson-specific rape crisis hotline that can be accessed by students 24/7/365. The hotline is staffed by trained advocates who are ready to help survivors, friends, or

campus partners. The SAFE Hotline is answered in the office on weekdays between 8:30am-4:30pm and is then transferred to staff member when the office is closed.

- The SAFE Hotline is available to help students' access services at any hour without barrier. **If you, or a friend or loved one, needs confidential on-call assistance, please do not hesitate to call 781-239-7233 (SAFE) or xSAFE from an on-campus landline.**
- While the Director of Sexual Assault Prevention and Response Services (SAPRS) will closely monitor the line and is committed to quick response, there is a possibility that a call may be missed. If this happens, please leave a message with a safe phone number for a SAPRS staff person to reach you as soon as possible.
- Remember, leaving a voicemail with contact information is the only way that SAPRS can respond to your call appropriately.

Contact information for other confidential resources follows below:

- Director of Sexual Assault Prevention and Response Services (Ashleigh Hala), located in the Wellness Center in Park Manor South, 781-239-5201
- Assistant Director of Student Wellness/Coordinator of Alcohol and Other Drug Services (Leah Berkenwald)
- Assistant Director of Faith and Service (Denicia Ratley), 781-239-5969
- Campus Chaplains in the Office of Faith and Service, Glavin Chapel, 781-239-5623:
  - Catholic Chaplain, Crista Mahoney
  - Muslim Chaplain, Bilal Mirza
  - Hindu Chaplain, Vaishali Gupta
  - Undergraduate Christian Chaplain, Ben Pierce
  - Graduate Christian Chaplain, Marianne Smith
- The administrative assistants (professional staff members) who work in Health Services and in the Wellness Center

An individual who speaks to any of the confidential resources above must understand that, if the individual wants to maintain confidentiality and/or privacy, the College may be unable to conduct an investigation into the particular incident or pursue disciplinary action against the respondent. Accordingly, the scope of the available remedies, including interim measures may be limited.

Nevertheless, confidential resources may still assist the individual in receiving other necessary protection and support, such as victim advocacy, academic support or accommodations, disability, health or mental health services, and changes to living, working or course schedules.

An individual who initially requests confidentiality may later decide to file a complaint with the College or report the incident to local law enforcement, and thus have the incident fully investigated.

NOTE: While resources designated as confidential in this Policy may maintain confidentiality vis-à-vis the College (i.e., they will not provide information to the College that is disclosed to them in confidence), they may have reporting or other obligations under applicable law. These may include making reports to governmental agencies in cases involving minors, persons with disabilities and the elderly; a requirement to provide testimony in response to a subpoena or court order; or where the individual is at risk of imminent harm to self or others.

## **B. Reporting to “Responsible Employees”**

A “responsible employee” is a College employee who has the authority to redress gender-based misconduct, who has the duty to report incidents of gender-based or other student misconduct, or who a student could reasonably believe has this authority or duty. All Babson College staff and faculty members, with the exception of those listed above as confidential resources for students, are considered responsible employees. **Resident Assistants and Peer Mentors are also considered responsible employees.** When a complainant tells a responsible employee about an incident of gender-based misconduct, the College will review what happened without delay and address the matter promptly and equitably.

A responsible employee must promptly report to the Title IX coordinator all relevant details they learn from any source about alleged gender-based misconduct committed by or impacting any community member. The College will then take steps to provide the reported victim/survivor with rights and resource information. Responsible employees must tell the Title IX coordinator all information they know relating to a report of potential gender-based misconduct – including the names of the victim and accused (if known), any witnesses, and any other relevant facts, including the date, time and specific location of the alleged incident.

To the extent possible, information reported to a responsible employee will be shared only with those responsible for handling the College’s response to the report. A responsible employee should not share information with law enforcement without the complainant’s consent or unless the complainant has also reported the incident to law enforcement or the employee is otherwise required by law to do so.

Before a complainant reveals any information to a responsible employee, the employee should, if possible, seek to ensure that the complainant understands the employee’s reporting obligations. If the complainant wants to maintain confidentiality, the employee should direct the complainant to confidential resources.

If the complainant wants to tell the responsible employee what happened, but also maintain confidentiality, the employee should tell the complainant that the College will consider the request, but cannot guarantee that the College will be able to honor it. In reporting the details of the incident to the Title IX coordinator, the responsible employee will also inform the Title IX coordinator of the complainant’s request for confidentiality.

Responsible employees will not pressure a complainant to request confidentiality or to make a full report if the complainant is not willing to do so. The College will seek to honor and support the complainant’s wishes.

### **C. Formal Reporting Options:**

To formally report an incident of gender-based misconduct, complainants may file a report with the College and/or law enforcement. See below for an explanation of both options:

#### **1. Reporting to the College:**

- a. Title Coordinator and Deputy Title IX Coordinators (during regular business hours)

Complaints against students and student groups, should be reported to the deputy Title IX coordinator for Student Affairs:

**Colleen Ryan, Assistant Dean for Community Standards**  
**Office of Community Standards, Park Manor Central**  
[cryan10@babson.edu](mailto:cryan10@babson.edu); 781-239-6344

Complaints against faculty and staff, third parties and visitors should be reported to the Title IX coordinator:

**Betsy Rauch, Title IX Coordinator**  
**President's Office, Horn 329**  
[brauch1@babson.edu](mailto:brauch1@babson.edu); 781-239-5501

## 2. **Reporting to law enforcement:**

The College strongly encourages prompt reporting to law enforcement. Reporting is best done as soon as possible after an incident, but it may be done at any time.

If the incident occurred on campus and the complainant wants to report the incident to law enforcement, they may file a report with Babson College Public Safety by calling 781-239-5555 and/or Wellesley Police Department by calling 781-235-1212 and/or Needham Police Department at 781-455-7570.

If the incident occurred off-campus, the complainant has the right to file a report with the local law enforcement agency in the jurisdiction where the incident occurred. Babson Public Safety can assist a complainant with identifying the appropriate local law enforcement agency and with the filing of a report with that agency.

Following is a list of other law enforcement reporting options:

- Massachusetts State Police: 1-508-872-8713
- Norfolk County District Attorney Office - Brookline: 1-617-738-5072
- Norfolk Superior Court: 1-781-326-1600
- Dedham District Court: 1-781-329-4777

Law enforcement agencies, including Babson College Public Safety, are generally required to investigate reports of a criminal nature to the extent they are able. However, filing a complaint with law enforcement does not require the complainant to participate in a criminal process if the complainant chooses not to do so.

### **Anonymous Reporting**

Any individual may make an anonymous report to the College concerning an act of gender-based misconduct committed by a member of the College community. Any individual may report an incident to the Title IX coordinator anonymously, without disclosing their name, identifying the respondent, or requesting any action. Depending on the level of information provided to the Title IX coordinator about the incident or the individual(s) involved, the College's ability to respond to an anonymous report may be limited. As described in this policy, the College may have an obligation to respond to the information provided and/or other available information.

### **D. Requesting Confidentiality from the College: How the College Will Weigh the Request and Respond**

If a complainant discloses an incident to a responsible employee of the College but wishes to maintain confidentiality or requests that no investigation into a particular incident be conducted or disciplinary action taken, the College must weigh that request against the College's obligation to provide a safe, non-discriminatory environment for all students, including the complainant.

If the College honors the request for confidentiality, a complainant must understand that the College's ability to meaningfully investigate the incident and pursue disciplinary action against the respondent may be limited. Additionally, remedies available for the complainant may be limited as well.

There are times when the College may not be able to honor a complainant's request in order to provide a safe, non-discriminatory environment for all students and employees. The College has designated any one or more of the following individuals to evaluate requests for confidentiality once the College is placed on notice of alleged gender-based misconduct:

- Title IX Coordinator
- Deputy Title IX Coordinator for Student Affairs
- Vice President for Student Affairs and Dean of Students

When weighing a complainant's request for confidentiality or that no investigation or discipline be pursued, one or more of the above employees will consider a range of factors, including the following:

- The increased risk that the respondent will commit additional acts of gender-based misconduct or other violence, such as:
  - whether there have been other gender-based misconduct complaints about the same respondent;
  - whether the respondent has a history of arrests or records from a prior institution indicating a history of violence;
  - whether the respondent threatened further gender-based or other violence against the complainant or others;
  - whether the gender-based misconduct was committed by multiple perpetrators;
  - whether the gender-based misconduct was perpetrated with a weapon; and
  - whether the complainant is a minor;
- Whether the College possesses other means (e.g., security cameras, witnesses, or physical evidence) to obtain relevant evidence of the gender-based misconduct; or
- Whether the complainant's report or other documentation reveals a potential pattern of perpetration at a given location or by a particular individual or group (e.g., by intentionally incapacitating an individual without their knowledge via the use of drugs).

The presence of one or more of these factors could lead the College to investigate and, if appropriate, pursue disciplinary action. If none of these factors is present, the College will likely honor the complainant's request for confidentiality. If the College determines that it can grant a complainant's request for confidentiality, the College will also discuss other actions that might be implemented to protect and assist the complainant.

If the College has credible information that the respondent was reported, investigated and/or found responsible for gender-based misconduct in the past, the College would likely be compelled to investigate the allegation and, if appropriate, pursue disciplinary action. If the College determines that it cannot maintain a complainant's confidentiality, the College will inform the complainant prior to an investigation and, to the extent possible, share information only with those responsible for handling the College's response.

The College will remain mindful of the complainant's well-being and take ongoing steps to protect the complainant from retaliation or harm. Retaliation against the complainant, whether by students or College employees, will not be tolerated.

The College will not require a complainant to participate in any investigation or disciplinary proceeding.

Because the College is under a continuing obligation to address the issue of gender-based misconduct campus-wide, reports of that nature (including non-identifying reports) will also prompt the College to consider broader remedial action – such as increased monitoring, supervision or security at locations where the reported acts occurred; increasing education and prevention efforts, including to targeted population groups; and/or revisiting its policies and practices.

### **Reporting Obligations**

The College has a duty to report certain crimes to Babson Public Safety for statistical reporting purposes in accordance with the Federal Clery Act. Personally identifiable information is not provided, but statistical information must be reported depending on the nature of the incident and its general location (on or off-campus, in the surrounding area, but no addresses are given) for publication in the College's annual Campus Security Report.

Additionally, College administrators must issue *timely warnings* in accordance with applicable law for incidents reported to them that pose a substantial threat of bodily harm or danger to members of the campus community. The College will ensure that a complainant's name and other identifying information are not disclosed, while still providing enough information for community members to make safety decisions in light of the potential harm or danger posed.

## **VII. INVESTIGATION/RESOLUTION PROCESS**

The deputy Title IX coordinator for Student Affairs ("deputy coordinator"), in coordination with the College's Title IX coordinator, is responsible for the oversight of investigations of gender-based misconduct complaints where the respondent is a student or student group. Formal rules of process and evidence such as those applied in criminal or civil courts are not applicable in these investigations or in the resolution process.

When made aware of a potential violation of the gender-based misconduct policy, the deputy coordinator or designee will open and conduct a preliminary investigation. The preliminary investigation under this policy will be conducted as soon as practicable, and will ordinarily be completed within ten (10) calendar days from the time of reporting. This time period may be shorter or longer depending on the circumstances, including the availability of witnesses and preliminary evidence.

### **PRELIMINARY INVESTIGATION**

After reviewing the information received, the deputy coordinator will:

1. Work to determine the identity and contact information of the complainant;
2. Take a statement from the complainant (when possible);
3. Identify what, if any, portion(s) of the gender-based misconduct policy were allegedly violated;
4. Meet the complainant, if feasible, to inquire about and finalize the complaint;

5. Determine if there is cause to proceed with a formal investigation.

If the deputy coordinator determines that there is no reasonable cause to pursue a complaint (e.g., if the information received does not present any potential violation of the gender-based misconduct policy, or if it is so vague or incomplete that no further investigation is possible), the matter will be closed with no further action and that decision will be communicated to the reporting party.

### **FORMAL INVESTIGATION**

If the deputy coordinator determines that there is reasonable cause to pursue the complaint, a formal investigation will be initiated. The formal investigation under this policy will be conducted as promptly and equitably as possible without compromising thoroughness. Absent extenuating circumstances, the College's investigation and resolution process for gender-based misconduct complaints will ordinarily be completed within sixty (60) calendar days from the time of reporting (not including the appeal process). This time period may be shorter or longer depending on the circumstances including, but not limited to, the complexity of the case and the availability and number of witnesses. Should this process last longer than 60 days, the deputy coordinator will communicate the reasons and expected timeline for completion to all parties.

At the initiation of the formal investigation, the deputy coordinator or designee will:

1. Notify the respondent and complainant of the investigation and provide an explanation of the investigation process;
2. Provide the respondent and complainant with a written notice of the charges, listing the specific portion(s) of the gender-based misconduct policy alleged to have been violated; and
3. Appoint a trained investigator to lead the investigation. The deputy coordinator may appoint additional investigators in their sole discretion. Concerns relating to any potential bias or conflict of interest of the appointed investigator(s) should be promptly addressed to the deputy coordinator who shall have sole discretion to remove or re-appoint investigator(s) as necessary.

At reasonable intervals throughout the investigation, the deputy coordinator and/or investigator will maintain communication with the complainant and the respondent regarding the status of the investigation and overall process.

#### **The appointed investigator will:**

1. Commence a thorough and impartial investigation by developing an investigation plan, including a witness list, intended investigation timeframe, and order of interviews for all witnesses and the respondent;
2. Provide regular updates on the investigation to the Title IX coordinator
3. Determine whether or not one or more specific portions of the policy were violated based on the preponderance of the evidence. Under this standard, the respondent is presumed not to have violated the gender-based misconduct policy unless a preponderance of the evidence supports a finding that a violation occurred. A preponderance of the evidence indicates that it is *more likely than not* that the identified portion of the policy was violated by the respondent.

#### **Investigations shall proceed generally as follows:**

1. The investigator will conduct interviews with the complainant, respondent and any witnesses deemed appropriate by the investigator.

- a. All parties will be asked to provide names of relevant witnesses. The investigator will, in their sole discretion, determine which witnesses to interview. Witnesses are typically limited to people with firsthand knowledge of the events being reviewed. Character witnesses and character statements are not permitted.
2. All interviewed parties will be asked to submit relevant documentary evidence (e.g., photographs, video recordings, text messages, reports, phone records, etc.) to the investigator. The investigator will gather and review available documents, materials, or other identified evidence relevant to the investigation. The investigator, in consultation with the Title IX coordinator, will use their discretion about what evidence and information will be included in the case file. Redactions may be made as deemed necessary in the sole discretion of the investigator.
4. After each interview, the investigator will provide the interviewed party a written interview summary. The interviewed party will be afforded a reasonable opportunity to review the summary to confirm its accuracy or to provide written clarifications, comments, and/or corrections. The investigator shall review any written clarifications or comments that are submitted and incorporate those deemed relevant and appropriate into the interview summary. Comments that conflict significantly with information previously submitted by the interviewed party will be noted.
5. During the investigation, the investigator will afford the complainant and respondent an opportunity to respond to information provided by other parties, including witnesses. This information will typically be shared verbally during the interview. Either party may also request an opportunity to review the written interview summaries and/or documentary information. Such request will be granted if and when deemed appropriate in the sole discretion of the investigator.
6. At the conclusion of the investigation, but before any determinations are made by the investigator, the investigator will schedule separate meetings with the complainant and respondent to review the information included in the case file (including all written interview summaries and documentary evidence deemed relevant by the investigator). The complainant and respondent will have the opportunity to provide corrections, clarifications, new relevant information or documentation, and/or suggest new witnesses who possess material information.
  - a. The complainant and respondent will be given an additional two (2) business days after this meeting to provide any additional documentation or written clarifications or corrections. The investigator shall review the information submitted by both parties and will incorporate the information deemed relevant and appropriate into the case file. Information that conflicts significantly with information previously submitted by the interviewed party will be noted. General comments on the information in the case file and/or one party's analysis of the information in the case file will not be considered.
7. If the complainant and/or respondent identify additional relevant evidence, that evidence shall be gathered by the investigator to the extent reasonably possible and will also be included in the case file. Depending on the nature of the new evidence, it may be shared with the complainant and/or the respondent for comment.
8. The investigator will complete the case file to include all relevant evidence obtained during the investigation.
9. The investigator will review the case file and reach written conclusions as to whether or not the respondent violated the gender-based misconduct policy based on a preponderance of the evidence standard.
10. The investigator will send the case file and written conclusions to the deputy coordinator for review.
11. The deputy coordinator will review the case file and written conclusions to ensure the following:
  - a. The investigation was thorough, reliable, and impartial;
  - b. The conclusions were based on the evidence collected;



- c. The conclusions were based on the preponderance of the evidence; and
- d. The policy was applied appropriately.

If the deputy coordinator determines that any further steps are necessary to meet any of these requirements, the deputy coordinator will so inform the investigator. The investigator will take the necessary steps and return the case file to the deputy coordinator for review.

12. Upon approval of the case file, the deputy coordinator will meet separately with the complainant and the respondent to deliver the finding. These meetings will be arranged as contemporaneously as possible. At the meetings, the deputy coordinator will:
  - a. Make the case file available to both parties for their review (necessary redactions may be made in the discretion of the deputy coordinator); and
  - b. Explain the next steps in the process:
    - a. Appeal process if the finding is not responsible (see section IX)
    - b. Sanction process if the finding is responsible (see below)

Please note: in addition to sharing the outcome with the parties, the deputy coordinator will also work directly with the Title IX coordinator to determine whether additional remedies are necessary for the complainant and/or community, if any, to address the incident.

### **CONFLICT RESOLUTION OPTIONS**

The deputy coordinator may offer conflict resolution options when appropriate based on the facts and circumstances and regardless of the finding of the preliminary or formal investigation. Such conflict resolution may include mediation, restorative justice, or other options and will only be utilized when both parties consent to the option. Mediation will not be used in cases involving sexual violence.

### **SANCTIONS PROCESS**

1. The complainant and the respondent shall each have two (2) business days from the date of the delivery of the finding to submit a written impact statement to the deputy coordinator. The written impact statement is intended to inform the deputy coordinator of relevant information in determining the appropriate sanction(s), including, but not limited to, how the incident has affected the impacted party, and whether they believe any mitigating or aggravating facts and circumstances warrant leniency or enhanced sanctions.
2. Both the complainant and the respondent have the option to meet with the deputy coordinator to discuss potential sanctions either, instead of, or in addition to, a written impact statement. Such a meeting is not an opportunity to challenge or contest the finding of the investigation.
3. The deputy coordinator will confer with the Title IX coordinator regarding potential sanctions. The deputy coordinator also reserves the right to meet with other relevant parties, including but not limited to the investigator or witnesses, if the deputy coordinator believes it will assist in determining the appropriate sanction(s).
4. Before determining the sanction(s), the deputy coordinator will review: i) the case file and investigator's conclusions, ii) the respondent's prior disciplinary record, if any, and iii) any impact statements submitted by either party.
5. The deputy coordinator has three (3) business days from the last meeting with a relevant party to issue a written decision letter with rationale to both parties. Decision letters will be sent via email.
  - a. All sanctions are enacted immediately (unless otherwise stated) regardless of the status of the appeal.

- b. The College will not require either party to abide by a nondisclosure agreement, in writing or otherwise, that would prevent the redisclosure of information related to the outcome of the proceeding.

### **VIII. SANCTION GUIDELINES**

Any student found responsible for violating the gender-based misconduct policy provision on non-consensual sexual contact (where no penetration has occurred), sexual exploitation, sexual harassment, intimate partner violence or stalking will receive a sanction up to and including expulsion, depending on the severity of the incident and taking into account any previous disciplinary history. The standard sanction for non-consensual sexual penetration is suspension or expulsion.\*

*The decision-maker reserves the right to broaden or lessen any range of recommended sanctions in the case of serious mitigating or aggravating circumstances. Neither the initial decision-maker nor any appeals officer will deviate from the range of recommended sanctions unless compelling justification exists to do so.*

Please see a list of possible sanctions in the [Part IV, Section 7 of this document](#).

### **IX. APPEAL PROCESS**

Both the respondent and the complainant have the opportunity to submit an appeal based on the finding of the investigation and/or sanction as set forth below.

#### **Guiding principles of the appeal process:**

- Appeals are confined to a review of the case file and any other information deemed relevant by the appeal officer based on one or more of the pertinent grounds for appeal described below. Appeals are not intended to re-hear the allegations or to constitute a *de novo* review of the investigation.
- Absent clear and material error, appeals determinations are intended to be deferential to the original decision-maker. Findings should be revised by the appeal officer only when remanding for further investigation or granting a new investigation would be insufficient, impractical or unnecessary. Sanctions should be revised by the appeal officer only if there is a compelling justification to do so.

An appeal must be submitted within three (3) business days after the decision letter is delivered to the student's Babson email account (or non-Babson email account for complainants who are non-Babson students). An appeal may be made solely on the grounds of:

1. Error in the charge, misapplication of the policy and/or error in the investigation or sanctioning process that has materially affected the outcome (e.g., substantiated bias, material deviation from established procedures, etc.),
2. New information that could not have been discovered prior to the investigation or sanctions meeting through the exercise of reasonable diligence and that would have materially affected the finding. A summary of this new evidence and its potential impact must be included in the written appeal; or
3. The sanctions imposed fall outside the range of sanction guidelines and are grossly disproportionate to the violation(s) committed.

The Vice President for Student Affairs and Dean of Students or designee shall act as the appeal officer. The appeal must be made in writing to the appeal officer and must clearly and succinctly outline and explain how the specific grounds described above have been met. The party submitting the appeal has the burden of demonstrating how the above grounds have been met.

When one party submits an appeal, a copy of the appeal will be provided to the other party by the appeal officer. The other party will have the opportunity to submit a written statement to the appeal officer within three (3) business days, to be considered with the original appeal. The written statement shall be limited to a response to the content of the original appeal.

After reviewing the written appeal(s), written statement(s), and associated case file, the appeal officer will take one of the following actions:

1. Reject the appeal as untimely or improper based on the grounds articulated above.
2. Uphold the original decision and/or sanction.
3. Grant the appeal and:
  - Remand the case with specific instructions to the deputy coordinator for further consideration or, in the rare circumstances in which it would be impractical, improper, or infeasible to remand the case, grant a new investigation.
    - If remanded for further investigation, any resulting sanction may be appealed.
    - If the appeal officer remands to the deputy coordinator for review of the sanction, the reconsideration of the deputy coordinator is final.
  - Modify the sanction(s) by reducing or enhancing the sanction(s). A rationale will be provided by the appeal officer when a sanction is modified.
  - In rare circumstances, revise the finding of the investigation from a “not responsible” to a “responsible” finding, or from a “responsible” to a “not responsible” finding.
    - If the finding of the investigation is revised from a “not responsible” to a “responsible” finding, the appeal officer will either determine the final sanction(s) or remand the case to the deputy coordinator to determine the sanction(s). If remanded to the deputy coordinator, the resulting sanction(s) may be appealed.

The complainant and the respondent will receive simultaneous written notification of the appeal officer’s decision regarding the appeal(s) at their Babson email accounts (or non-Babson email account for complainants who are non-Babson students). Except where the case is remanded or a new investigation is granted, the decision of the appeal officer is final and not subject to further review.

## **X. NOTICE OF RIGHTS**

### **Rights of the Complainant**

The complainant has a number of rights under this policy and with respect to a resolution of a complaint. If the College initiates an investigation, the complainant will retain the rights below. They include both those outlined above and the following:

- The right to an investigation and appropriate resolution of all credible complaints of sexual misconduct, gender-based discrimination and/or harassment made in good faith to the College;
- The right to be treated with respect by College employees throughout the process;

- The right to be notified of available counseling, mental and physical health services, on and off-campus;
- The right to be informed of and to report the incident to off-campus authorities and/or law enforcement and to be assisted by College employees in doing so;
- The right to be provided with a written explanation of rights and options with respect to the matter;
- The right to have the investigation and resolution process fully explained;
- The right receive written notice of all allegations for which the respondent is charged;
- The right to be notified of possible sanctions that may result if the respondent is found responsible of violating the policy(ies) in question;
- The right to a finding based on information the decision-maker finds credible, relevant and convincing by a preponderance of the evidence (i.e., it is more likely than not that a policy violation occurred);
- The right to appeal the outcome of the investigation and/or sanction, in accordance with the appeal guidelines established in this policy;
- The right to privacy, and the assurance that information regarding the complaint will be shared only with those necessary.

### **Rights of the Respondent**

The respondent has a number of rights under this policy and with respect to a resolution of a complaint. They include both those outlined above and the following:

- The right to an investigation and appropriate resolution of all credible complaints of sexual misconduct, gender-based discrimination and/or harassment made in good faith to the College;
- The right to be treated with respect by College employees throughout the process;
- The right to be notified of available counseling, mental and physical health services, on and off-campus;
- The right to be provided with a written explanation of rights and options with respect to the matter;
- The right to have the investigation and resolution process fully explained;
- The right to receive written notice of all charges;
- The right to be notified of possible sanctions that may result if found responsible for violating the policy(ies) in question;
- The right to a finding based on information the decision-maker finds credible, relevant and convincing by a preponderance of the evidence (i.e., it is more likely than not that a policy violation occurred);
- The right to appeal the outcome of the investigation and/or sanction , in accordance with the appeal guidelines established in this policy;
- The right to privacy, and the assurance that information regarding the complaint will be shared only with those necessary.

## **XI. OTHER PROVISIONS**

### **ADVISERS**

Both the respondent and the complainant have the right to one (1) adviser of their choice. Advisers serve as a support person for the parties during the process, including investigative meetings, meetings with the deputy coordinator and sanction meetings. The adviser's name and relationship to a party (e.g., student, faculty member, family member, attorney, etc.) must be disclosed to the deputy coordinator

prior to the meeting for which they will serve as the adviser. Students who are witnesses to the incident or are otherwise involved in the matter may not typically serve as advisers.

Advisers are not permitted to advocate for a student or speak on their behalf during any of the aforementioned meetings. The College reserves the right to remove an adviser from any meeting should these expectations and guidelines be violated. Meetings are not generally delayed or rescheduled due to an adviser's schedule or availability. The deputy coordinator will consider requests made to delay or reschedule a meeting and will make the final determination at their sole discretion.

The College reserves the right to have legal counsel present during any meeting.

### **ATTENDANCE**

To enable the most accurate and fair review of the facts, the respondent is expected to attend and participate in meetings during the course of an investigation under this policy. If an individual chooses not to attend one or more meetings, the charges will be reviewed on the basis of the information and evidence available, and a decision will be made. Although no inference may be drawn against a student for failing to attend a meeting or remaining silent, the process will proceed and the conclusion will be based on the evidence presented. No decision shall be based solely on the failure of the respondent to attend one or more meetings, to participate in such meeting(s), or to answer the charges.

### **HISTORY OF THE PRINCIPAL PARTIES**

#### **Sexual History:**

Neither the past sexual history nor sexual character of either party will be considered in the investigation or any other proceeding unless such information is determined by the deputy coordinator to be specifically and directly relevant to a pending charge.

#### **Disciplinary History/History of Previous Complaints:**

Previous disciplinary history or previously filed complaints may be considered in the course of the investigation only if:

1. The facts related to the previous disciplinary history or complaints are substantially similar to the facts related to the present charge(s);
2. The information indicates a pattern of behavior and substantial conformity with that pattern by the respondent; or
3. There are other reasons deemed by the deputy coordinator to be specifically and directly relevant to the present charge(s).

If any previous disciplinary history or complaints are considered in the course of the investigation, the relevant party will be notified of such and will be permitted to review the information that is to be considered.

### **EFFECT OF CRIMINAL PROCEEDINGS**

Because the standards for determining a violation of criminal law are different from the standards for determining a violation of this policy, criminal investigations, reports, or outcomes are not determinative of whether gender-based misconduct has occurred for purposes of this policy. In other words, conduct may constitute gender-based misconduct under this policy even if there is insufficient evidence of a crime or if law enforcement agencies decline to prosecute. The filing of a complaint of gender-based misconduct under this policy is independent of any criminal investigation or proceeding,

and the College will not await the conclusion of any criminal investigation or proceedings to: (i) commence its own investigation; (ii) take interim measures to protect the complainant and the College community, if necessary; and/or (iii) implement disciplinary proceedings without regard to any pending criminal proceedings.

#### **FALSE COMPLAINT/FALSE INFORMATION**

The College will not tolerate false reporting and reserves the right to discipline members of the College community who knowingly bring false complaints of gender-based misconduct or provide false information during an investigation or hearing. No complaint will be considered "false" solely because it cannot be corroborated. If a respondent is determined to have provided false information during the investigation or sanctioning process, the respondent may be charged with "false information and misrepresentation" and/or the false information may be considered an aggravating circumstance during the sanctioning phase.

#### **AMNESTY FOR MINOR VIOLATIONS**

The College will extend amnesty for minor violations of policy, including but not limited to the possession and/or consumption of drugs or alcohol, when the violation is related to a report of gender-based misconduct. The seriousness of gender-based misconduct is a major concern for the College and the College does not want any circumstances (e.g., drug or alcohol use) to inhibit the reporting of gender-based misconduct or cooperation with an investigation. When amnesty is granted for minor violations of policy, the College may refer students to resources such as alcohol and/or drug education, but there will be no disciplinary record or sanction regarding the violation for which amnesty was granted. The deputy coordinator will determine what policy violations will be considered "minor" and therefore eligible for amnesty in this context. Amnesty for minor policy violations may be extended to all parties involved in the case, including but not limited to, the complainant, the respondent and witnesses.

#### **ACCOMMODATIONS FOR STUDENTS WITH DISABILITIES**

Reasonable accommodations will be provided to students with disabilities in accordance with applicable law. A student with a disability who requires an accommodation for any meeting or process under this policy must follow the procedure for requesting an accommodation through the Learning Center. The Learning Center will make a determination regarding the request and notify the appropriate parties. A student will not be considered to have a disability unless the student registers with the Learning Center and follows the applicable procedures. Please contact the Learning Center at 781-239-5509, by email at [mpowell@babson.edu](mailto:mpowell@babson.edu) or on the hub at <http://studentportal.babson.edu/node/229156> for further information.

#### **POLICY REVIEW**

The gender-based misconduct will be reviewed by the College a minimum of every 24 months.

## **XII. PREVENTION, EDUCATION, AND TRAINING**

The College engages in a comprehensive and educational approach to programming that addresses the multiple levels of influence around violence and victimization being mindful of the individual, their relationships, and their community and cultural environments. By building relationship skills, discussing policy, procedure, and practice, addressing social norms, and promoting bystander intervention, Babson seeks to change behavior and reduce risk. Educational programming consists of primary prevention and awareness programs – including bystander intervention for all incoming students as well as ongoing

prevention and awareness campaigns for all students and the campus community in its entirety aimed at preventing domestic/dating violence, sexual assault, and stalking. These educational programs and awareness initiatives have clear goals and objectives, including but not limited to:

- Identify domestic violence, dating violence, sexual assault, stalking, and other forms of Gender-Based Misconduct as prohibited;
- Define the behavior that constitutes domestic violence, dating violence, sexual assault, stalking, and other Gender-Based Misconduct;
- Define what behavior and actions constitute consent to sexual interactions;
- Provide safe and effective options for both active and passive bystander intervention;
- Provide information on both harm reduction and risk reduction to help the college community recognize warning signs of prohibited behavior and to minimize the risk of potential attacks or retaliation;
- Provide an overview of information contained in the Annual Security Report in compliance with Title IX, VAWA, the Campus SaVE Act, the Clery Act and other applicable laws.

The College has developed an annual educational curriculum consisting of presentations to the following populations (including but not limited to); new and returning students; student leaders (classified as “responsible employees”); on-call and first line access staff; and Public Safety. Specific considerations in regards to education and programming are made in an effort to be culturally competent in practice and approach. The educational curriculum consists of programs throughout the year, including sessions such as:

- Prevalence of Sexual Assault on College Campuses
- Gender-Based Misconduct Policy Literacy/Procedure Overview & Reporting
- Contracted Speakers on Healthy Relationships & Sexual Assault
- Bystander Intervention
- Positive Consent
- Healthy Relationships a& Boundary Setting
- Trauma-Informed Practice & Crisis Response
- Secondary Trauma
- Responding to Disclosure & Empathetic Listening

In addition to prevention and education efforts, the College ensures that all investigators, decision-makers and appeal officers receive annual training on the issues related to dating violence, domestic violence, sexual assault, and stalking as well as training on how to conduct an investigation, how the resolution process works and how to protect the safety of complainants and promote accountability.

### **XIII. TITLE IX CONTACT**

Questions or concerns regarding the College’s procedures and Title IX may be directed to one or more of the following resources:

Title IX Coordinator - responsible for overall compliance with Title IX including the investigation process:

Betsy Rauch, Title IX Coordinator  
 President’s Office, Horn 329  
 781-239-5501; brauch1@babson.edu

Inquiries may be made externally to and complaints may be filed with:

Office for Civil Rights (OCR)  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, DC 20202-1100

Customer Service hotline: 800-421-3481  
TDD #: 877-521-2172

Email: [OCR@ed.gov](mailto:OCR@ed.gov)  
Web: <http://www.ed.gov/ocr>