

# Student Code of Conduct Violations

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Nichols College considers the behavior described in the following sub-sections as inappropriate for the College community and in opposition to the institutional mission and core values set forth in this document. Violations include those activities which directly and significantly interfere with Nichols College's: (1) primary educational responsibility of ensuring the opportunity of all members of the community to attain their educational objectives; or (2) its subsidiary responsibilities protecting the health and safety of persons in the campus community, maintaining and protecting property, providing living accommodations and other services. Any student found to have committed or to have attempted to commit the following misconduct is subject to the sanctions outlined in the Conduct Sanctions section of this code.

## 1. Academics

Violations of the Nichols College Academic Dishonesty Policy will be handled by the faculty and the Senior Vice President of Academic Affairs. Academic Affairs, at its discretion reserves the right to refer a student to the Office of Community Standards. Please see the Academic Honesty Policy.

### a. Academic dishonesty

## 2. Acceptable Use Policy

See the Acceptable Use of Information Technology Resources Policy. In addition, other Student Code of Conduct violations may apply.

- a. **Illegal use of network and/or computers**
- b. **Violation of the Acceptable Use of Information Technology Resources**
- c. **Abuse of equipment**
- d. **Unauthorized use of routers**

## 3. Alcohol

### a. Alcohol/drug related medical

The health and safety of students is of utmost importance. Should a student need to be transported for intoxication, the student will meet with the Dean of Students or designee. Reporting students involved are covered under the Medical Amnesty Policy and will not be referred to the Office of Community Standards.

**b. Underage possession and/or consumption of alcohol**

An individual under the age of twenty-one (21) is not permitted to consume and/or possess alcoholic beverages anywhere on the Nichols College Campus.

**c. Underage in the presence of alcohol**

An individual under the age of twenty-one (21) is prohibited from being in the presence of alcoholic beverages.

**d. Open container**

Individuals regardless of age are prohibited from drinking and/or possessing open or previously opened alcohol containers in any public area of the campus, including hallways, stairwells, bathrooms, lounges, lobbies, campus grounds, athletic fields/buildings, academic buildings, and dining hall. Alcohol placed in another container is considered an open container.

**e. Public intoxication**

Defined as any behavior resulting from the over-consumption of alcohol and/or drug which causes a disturbance, is dangerous to the individual, others, and/or property or in any way requires the attention of College Officials.

**f. Non-alcohol drinking games**

Games and activities in which the primary/original purpose is to promote binge drinking are prohibited.

**g. 21+ in a dry room**

Alcohol is not permitted at any time in a residence hall room, suite, or apartment if all assigned residents are not of the legal drinking age of twenty-one (21). An individual over the age of twenty-one (21) carries the responsibility of only consuming/possessing alcohol in rooms that are deemed "wet" by all assigned residents being over the age of twenty-one (21).

**h. Providing alcohol to those underage**

Individuals over the age of twenty-one (21) are prohibited from knowingly or intentionally supplying/giving alcohol to a person under the age of twenty-one (21), or for failing to restrict access to alcohol.

**i. Providing means/location of alcohol to those underage**

Residents over the age of twenty-one (21) are not permitted to allow individuals under the age of twenty-one (21) to possess and/or consume alcohol in the residence hall room, suite or apartment to which they are assigned. In other words, residents will not allow individuals under the age of twenty-one (21) to possess and/or consume alcohol in their assigned room.

**j. Hard alcohol**

Defined as any liquid containing 15% or 30 proof alcohol or above

**k. Exceeding alcohol limits**

Students who are twenty-one (21) years of age or older may have in their possession no more than the following amounts at any time. Students may not have both the limit of beer/malt or wine permitted.

- 1 case of beer (30, 12 oz cans) or (24, 12 oz bottles) of malt beverage

OR

Up to 5 liters of wine

**l. Drinking games/means to mass consumption**

Games and activities in which the sole purpose/origin is to promote heavy alcohol consumption or the possession and/or use of items that encourage heavy alcohol consumption are prohibited regardless of age

**m. Failure to comply during an incident involving alcohol**

The refusal to act in accordance with requests or directions of a College Official during the performance of duties. This includes but is not limited to, refusing to provide identification, giving false information, disrespectful, foul/abusive language or gestures, refusing to leave the scene of an incident when directed, and general noncooperation.

**n. Dry campus state of emergency**

During certain weather-related and emergency events, the College will declare a Dry Campus State of Emergency. In such an event, students are strictly prohibited from consuming alcohol regardless of age. The College believes that as citizens of Nichols and of Dudley, MA, we have a responsibility to local Emergency Services to not utilize already sparse, valuable resources. Communication to the College community will be officially dispersed via email from an authorized College Official.

#### 4. Destruction of Property

Acts of destruction against the property of Nichols College or others is prohibited.

Furthermore, no student shall engage or assist in the behavior that causes damage to personal, Community or College property. These prohibitions apply to intentional or reckless behavior.

- a. Causing water or fire damage to College property**
- b. Causing physical damage to the buildings or furnishings of the College**
- c. Misuse, destruction, or defacement of Nichols property**
- d. Misuse, destruction, defacement of library material or other academic material**
- e. Misuse, destruction, or defacement of another's property**
- f. Littering**
- g. Tampering with and/or removing windows or screens**

## 5. Discrimination, Harassment, and Retaliation

Please see the Nichols College Policy Against Discrimination, Harassment, and Retaliation for full policy. For the purpose of defining the following Student Code of Conduct violations, protected characteristics shall mean the following, but not limited to gender/sex, gender identity/expression, race, color, religion or religious creed, sexual orientation, national origin, ancestry, disability or handicap, age, genetics, marital status, veteran status, or any other category protected by law.

**a. Harassment**

Harassment that is based on an individual's protected characteristics (listed above) will not be tolerated.

**b. Discrimination**

Discrimination is the unfair, unfavorable, or inequitable treatment of a person or "class" of people based on protected characteristics. Nichols College is committed to fostering an environment of mutual respect among its community.

**c. Retaliation**

The College will not tolerate members of its community taking adverse actions towards anyone who alleges discrimination or harassment or against any individual for cooperating with an investigation or Student Conduct Process.

## 6. Disruptive Behavior

Disruptive behavior is defined as any action that causes substantial interference or disruption of the College community or operations.

**a. Behaving obscenely and/or indecent exposure in public**

**b. Disorderly conduct**

Any action that infringes on the freedom and activities of others or any action that is disruptive to others

**c. Direct interference with a College Official or designated agent in the performance of his/her official duties**

**d. Exceeding occupancy levels**

**e. Disruptive gatherings/unauthorized party**

**f. Inappropriate behavior**

**g. Unauthorized demonstration**

Including causing, inciting or participating in any disturbance that presents a clear and present danger to self or others, causes physical harm to others, or damage and/or destruction of property

**h. Disrupting the flow or movement of others**

- i. **Substantial disruption of authorized activities**

## 7. Drug Policy

Reference the full Nichols College Drug Policy.

Nichols College prohibits the possession, use, consumption, manufacture, sale or distribution of drugs and/or paraphernalia. Specific violations include, but are not limited to:

- a. **Distribution, sale or intent to sell drugs legal or illegal**
- b. **Improper use of prescription drugs**
- c. **Possession and/or consumption of drugs other than marijuana**
- d. **Possession and/or consumption of marijuana**
- e. **Possession and/or use of drug paraphernalia**
- f. **In the presence of marijuana use**

## 8. Failure to Comply

Generally defined as a refusal to act in accordance with requests, directions, or requirements

- a. **Failure to comply with or attempts to circumvent a sanction(s) imposed by a College Official**
- b. **Failure to comply with a written or verbal directive of a College Official or designated agent or interference with said directive**
- c. **Refusal to produce identification or to properly identify oneself to a representative of Nichols College in pursuit of their official duties**
- d. **Violation of Nichols College "No Trespass Order"**  
Nichols College reserves the right to invoke orders to individuals preventing entrance onto the Campus.
- e. **Violation of Nichols College "No Contact Directive"**
- f. **Behavior that attempts to evade referral**

An attempt to hide, flee an incident, exit windows, and/or refusal to come forward

## 9. Fire and Life Safety

- a. **Arson**

The malicious burning or attempt to burn, with or without the intent to defraud

- b. **Causing the evacuation of a building**

- c. Unauthorized use or possession of explosive components, chemicals, etc., such as fireworks, explosives, gas or compressed air
- d. Tampering with, improper use, or causing malfunction of fire/safety equipment or alarm systems
- e. Creation of a fire hazard or other dangerous conditions
- f. Smoking in buildings, including residence halls and/or smoking within 25 feet of any College-owned building
- g. Getting on roofs
- h. Providing a Nichols College issued key and/or identification card to another individual
- i. Failure to report a lost/stolen key or identification card
- j. Use of windows as entrances or exits to a building
- k. Failure to evacuate during a fire alarm

## 10. Guest Policy

See Guest Policy

## 11. Hate Crimes

According to Massachusetts State Police and Law Enforcement, a hate crime is “any criminal act to which a bias motive is evident as a contributing factor. The Reporting Act covers bias on account of race, religion, ethnicity, handicap, gender, or sexual orientation. Hate crimes can be reported only by law enforcement agencies.” Hate Crimes may include but are not limited to murder, sex offenses, aggravated and simple assault, theft, arson or any other crimes that involve bodily injury to a person

## 12. Hazing

The Nichols College Hazing Policy in accordance with the Massachusetts Legislature Section 17-Section 19 can be found in the full Nichols College Hazing Policy. Nichols College will not tolerate any instance of hazing among students. Hazing is defined as any intentional or unintentional action taken or situation created to produce mental or physical discomfort, embarrassment, harassment, or ridicule for the purpose of initiation, ritual, tradition, admission or as a perceived condition of continued membership. The expressed or implied consent of an individual is not viewed as a defense. Failing to intervene, prevent, or report may also violate this policy.

Such activities and situations include, but are not limited to:

- Any activity that causes or requires an individual to violate the Student Code of Conduct.
- Any activity requiring the consumption of food, liquid, alcohol, drugs, or other substance.
- Any physical activity such as extended deprivation of sleep, forced calisthenics, exposure to weather, extended confinement or isolation, exercise or other activity that subjects an individual to a risk of harm or that adversely affects the mental or physical health or safety.
- Any activity that intimidates and threatens an individual with ostracism, that subjects an individual to mental stress, embarrassment, shame or humiliation, or that adversely affects the mental health and/or dignity.
- Any type of physical or mental brutality including, but not limited to whipping, beating, striking, branding, or placing a harmful substance on the body.

### 13. Injustice to Others

#### a. **Murder and non-negligent manslaughter**

The willful killing of one human being by another

#### b. **Negligent manslaughter**

The killing of another person through recklessness

#### c. **Attempt to Murder**

#### d. **Assault on a College Official or designated agent**

#### e. **Aggravated Assault**

The unlawful attack on an individual for the purpose of inflicting severe bodily injury usually involving a weapon

#### f. **Physical Assault**

Individuals who can be identified as the aggressor during a physical altercation will be placed on "interim suspension" (see interim suspension in the Code Sanctions list and the Interim Suspension section of this code) College officials reserve the right to place any student involved in a physical assault on "interim suspension"; also referred to as a simple assault.

#### g. **Foul/abusive language or gestures to Nichols College official or designated agent**

#### h. **Threats of violence towards an individual**

Intentionally placing a person(s) in reasonable fear of imminent physical harm; also referred to as

#### i. **Intimidation or Harassment**

Conduct which creates a hostile or offensive environment. Implied threats or acts that cause a reasonable fear of harm. The willful and/or malicious repeating of acts aimed at an individual(s).

**j. Bullying**

Defined as the continual use of written, verbal, or electronic communication, physical act or gesture directed at an individual or group that causes the following, but not limited to:

- physical harm and/or damage to personal property
- places the person(s) in reasonable fear of harm to self or property
- creates a hostile, threatening, intimidating, humiliating, or abusive environment or situation

**k. Verbal Abuse**

The excessive use of language to undermine, control, or humiliate an individual

**l. Conduct which endangers the health and safety of an individual**

**m. Conduct that threatens or conduct that can be construed as threatening**

**n. Act of Intolerance**

Defined as any act directed against a person or a group which has the effect of creating an offensive, demeaning, intimidating, or hostile environment for the person or group targeted as well as others in the college community. Acts of Intolerance may be based on a person's race, gender, sexual orientation, religion, national origin, age, disability, ethnicity or social/political affiliation.

## 14. Integrity

**a. Tampering with or falsifying official records**

**b. Knowingly assisting in a violation of any provision of this code**

**c. Giving false reports of fire or other dangerous conditions**

**d. Forgery or passing a worthless check or money order in payment of any financial obligation to College community**

**e. Interference with an investigation or other procedures defined in this code**

**f. Unauthorized representation as a Nichols College employee, fellow student or Public Safety Officer or designated agent**

**g. Gambling/Bookmaking**

Gambling for money or other items of value is prohibited by the state of Massachusetts and thus is not permitted on Nichols College property. Prohibited activity includes but is not limited to: Betting, bookmaking, wagering, and/or selling pools, the wagering of any allotted monetary amount in any sporting event, card game, or other event; the use of technology, space, or supplies provided by the College; affecting the outcome of

any institution-sponsored event for wagering purposes; or involving oneself in any illegal raffle or lottery. Any student involved in this behavior risks criminal prosecution and Student Conduct Sanctions.

- h. Possession and/or use of false identification**
- i. Knowingly supplying false information to members of the Nichols College faculty, staff or administration in pursuit of their official duties**
- j. Conduct unbecoming of a Nichols College student**

## 15. Motor Vehicle Policy

All student vehicles MUST be registered with Public Safety and have a valid Nichols College parking decal permanently affixed following the specific location instructions that accompany the decal. Public Safety is charged with enforcing all rules and regulations pertaining to parking on College properties.

- a. Operating under the influence**
- b. Driving recklessly and endangering others**
- c. Continued parking infractions**

Parking on the Campus is limited and a privilege. Students who obtain 5 parking tickets in one academic year will be referred to the Office of Community Standards and could lose parking privileges. Note: Guest Vehicles will be ticketed and become the responsibility of the student host. The following parking violations are enforced by Public Safety:

- No Valid Parking Decal Displayed
- Parked in Wrong Lot
- Parked in a No Parking Zone
- Parked on Sidewalk or Grass
- Parked in Reserved Area/Space
- Blocking Parked Cars/Dumpsters
- Parked in Fire Lane
- Blocking Emergency Entrance/Exit
- Parked in a Handicapped Space

- d. Violation of motor vehicle policies**

Vehicles must only be driven on roadways. No vehicle is to be driven on sidewalks, walkways, grass, or through designated “no vehicles allowed” areas.

- e. Failure to move a parked motor vehicle**

In the event of a snow emergency, resident and commuter students should refer to official campus notifications sent to their primary Nichols email account. Included in this communication will be any emergency parking regulations. Students should be sure to

follow these regulations carefully in order to make the emergency go as smoothly as possible. Nichols College reserves the right to tow any vehicles that have not been moved as detailed in the notification. Students whose vehicles need to be towed will be charged \$100.00 to the student's account.

## 16. Residence Life Policy

Reference the full Residence Life/Hall Policy for further details.

**a. Animals/pets in residence halls**

Fish are the only pets allowed in student rooms. There is a 10-gallon limitation on tank size. All other pets are not allowed in residence halls. Repeat violations could result in dismissal.

**b. Disposal of items out of windows**

**c. Early/unauthorized arrival and/or entry to residence hall**

**d. Excessive Lockouts**

**e. Hall sports**

Due to possible injury to a bystander or damage to the facilities hall sports of any kind are not permitted

**f. Improper checkout (see section T of the Housing License Agreement)**

**g. Monuments to alcohol**

The use of alcohol, paraphernalia, boxes, or containers as decorations

**h. Noise/Quiet Hours Violation**

**i. Possession of prohibited items/materials**

**j. Propping a door to a residence hall**

**l. Removal of college owned property from residence hall**

**m. Room alterations**

**n. Significant interference with the normal residential life of others**

**o. Solicitation and/or illegal posting in the residence halls**

**p. Storing empty alcohol containers**

Storing of empty alcohol bottles or cans is not permitted and must be disposed of immediately and properly.

**q. Unauthorized room change**

**r. Violation of Nichols College health/safety regulations**

**s. Violation of any other items identified in the "Residence Life Housing License Agreement"**

**t. Failure to comply with a Health and Safety Directive**

## 17. Sexual Misconduct

For policies and procedures, refer to the Nichols College Sexual Misconduct Policy

### a. Sexual Violence

Physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent.

### b. Sexual Harassment

Creating an intimidating, hostile, or demeaning environment by unwelcome action, verbal expression, usually repeated or persistent, or series of actions or expressions that have either the intent, or are reasonably perceived as having the effect either by being sexual in nature or by focusing on a person's gender, sexual orientation, gender identity, or gender expression.

### c. Sexual Exploitation

An act or acts committed through non-consensual abuse or exploitation of another person's sexuality for the purpose of sexual gratification, financial gain, personal benefit or advantage or any other non-legitimate purpose

### d. Stalking

A course of conduct involving more than one instance of unwanted attention, harassment, physical or verbal contact, or any other course of conduct directed at an individual that could be reasonably regarded as likely to alarm or place that individual in fear of harm or injury, including physical, emotional, or psychological harm.

### e. Relationship Violence

Relationship violence is any intentionally violent or controlling behavior by a person who is currently or was previously in a relationship with the victim. Relationship violence includes actual or threatened physical injury, sexual assault, psychological abuse, economic control, and/or progressive social isolation.

### f. Aiding or facilitating sexual misconduct

Promoting or encouraging the commission of any behavior prohibited under the Nichols College Sexual Misconduct Policy.

### g. Retaliation-sexual misconduct

Acting or attempting to retaliate or seek retribution against a Reporting Party, Respondent, or any individual or group of individuals involved in the investigation and/or resolution of an allegation of sexual misconduct.

## 18. Skateboarding/electronic boards and bicycling

Such activity should not damage College property or interfere with the mobility of individuals. Skateboarding and bicycling are not permitted on any campus benches, ledges, monuments, curbs, or railings. Should any manner of these activities impose on

the campus community, a college official reserves the right to request an individual to cease the activity. Nichols College holds no liability for any injury. Individuals may be liable for damage to Nichols College property caused by these activities. Due to significant risk of fire and overall safety concerns, the use, possession, and/or storage of electronic skateboards including self-balancing boards/scooters/hover boards is prohibited on the Nichols College Campus. This includes all Nichols College residence halls, athletic fields/buildings, academic buildings, dining hall, any administrative campus building, and campus grounds.

## 19. Theft

Theft is generally defined as the unauthorized taking or removal of personal property, College property, or public/private property, whether intentional or accidental. All state law definitions of theft are applicable.

### a. Robbery

The taking or attempting to take anything of value from the care, custody, or control of a person(s) by force or threat of force.

### b. Burglary

Unauthorized entry of a structure with intent to commit a crime.

### c. Sale of stolen property or merchandise

Any attempt to sell property belonging to another individual is prohibited.

### d. Identity Theft

The use or acquisition of a person's private identifying information.

### e. The attempted or actual theft of property or service

### f. Motor vehicle theft

The taking of a motor vehicle without permission.

### g. Theft or attempted theft of College property

### h. Possession of stolen property

Being in possession of stolen property regardless of knowledge is not permitted.

### i. Possession of College Property

Being in possession of property belonging to the College

## 20. Unauthorized Access

The misuse of access privileges to the Nichols College campus, grounds and/or facilities. This includes entry or use of buildings, vehicles, and athletic fields.

### a. Breaking and Entering

- b. **Trespassing or unauthorized presence/entry on campus or related properties, including residence halls**
- c. **Assisting an individual with gaining unauthorized access to the campus, grounds, and/or facilities**

## 21. Violations of federal, state, and local laws

Alleged violations of federal, state and local laws may be investigated and addressed under the Student Code of Conduct. The College reserves the right to initiate conduct investigations regardless of the possibility of a criminal case. The Office of Community Standards may, at its discretion, delay conduct investigations in cases where a criminal case is pending.

Nichols College reserves the right to exercise its authority of interim suspension upon notification that a student is facing criminal investigation and/or complaint. Interim suspensions are imposed until a hearing can be held. **The suspended student may request a meeting with the Dean of Students to show cause why the interim suspension should be lifted.** This meeting may resolve the allegation, or may be held to determine if the interim suspension should be continued. The interim suspension may be continued if a danger to the community is posed and the College may be delayed or prevented from conducting its own investigation and resolving the allegation by the pendency of the criminal process. In such cases, the College will only delay its hearing until such time as it can conduct an internal investigation or obtain sufficient information independently or from law enforcement upon which to proceed.

## 22. Weapons and Firearms

Weapons prohibited on campus include but are not limited to firearms, ammunition, knives over 8 inches in length, BB, air-soft or pellet guns, bows, arrows, slingshots, paintball guns, machetes, pepper spray (mace), nun chucks, throwing stars, or taser/stun guns of any voltage. Toy weapons, including NERF, and those that look like real weapons are similarly prohibited.

- a. **Possession and/or use of a firearm**
- b. **Assault with a weapon**
- c. **Possession and/or use of a non-firearm weapon**
- d. **Use of an object as a weapon**