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SECTION I: INTRODUCTION

As an institution of higher education, Berklee provides academic programs within an environment that enhances students’ professional and personal development, preserves the rights of individuals and organized groups, and encourages individuality while affirming a commitment to the community dimensions of campus life. Berklee endeavors to provide a living and learning environment in which students can meet their creative, artistic, and personal goals. All members of the Berklee community are responsible for preserving an environment conducive to the pursuit of the college’s mission and programs.

By enrolling in Berklee, students accept the responsibility to become fully acquainted with the college’s regulations, to comply with the college’s policies and authority, to respect the rights and property of others, and to recognize that student actions reflect upon the students involved as well as upon the entire college community. Berklee also exists in a larger society, and therefore, local, commonwealth, and federal laws will be upheld. Additionally, Berklee strives to be a good neighbor and recognizes the importance of maintaining amicable relations with local residents and businesses. Therefore, students should be aware that the jurisdiction of the college extends beyond the physical boundaries of the campus. Activities that harm the reputation of Berklee, cause problems for members of the greater community, or suggest that an individual may pose a threat to others will result in disciplinary action. Being a Berklee student is a privilege, and with that privilege comes the expectation that students will uphold the standards and values set forth by the college and will conduct themselves as individuals who contribute positively to the college community.

The college determines, publishes, and makes known its rules and regulations concerning the standards of conduct in this Student Code of Community Standards. These regulations should be read broadly and are not designed to define prohibited conduct in exhaustive terms. The Vice President for Student Affairs, Diversity and Inclusion/Chief Equity Officer is designated by the college president to be responsible for the administration of the Student Code of Community Standards.
We expect each student and officially recognized student organization at Berklee to read, understand, and uphold the standards of conduct outlined in this and other official Berklee communications to students. In addition, unfamiliarity with college policies will not exempt any persons or groups from the conduct process. The college will take appropriate disciplinary action for any conduct that violates the Student Code of Community Standards, whether such conduct occurs on- or off-campus or online. The Student Code of Community Standards is reviewed on an annual basis with input from students. We encourage you to share with Berklee officials and the Student Government Association ideas and concerns regarding these policies and their implications.

SECTION II:
DEFINITIONS USED IN THIS CODE

a. “College” means Berklee (including Boston, Valencia, other off-campus affiliated programs, as well as online programs).
b. “Student” includes all persons enrolled in courses at the college’s campuses, as well as online programs, both full-time and part-time, including students who serve in any capacity as a part of the college staff; those pursuing undergraduate, graduate, or professional studies; and persons who reside in Housing and Residential Life-operated buildings. Persons who withdraw after allegedly violating the Student Code of Community Standards, or who are not officially enrolled for a particular term, but who have a continuing relationship with the college, are also considered students.
c. “College official” includes any person employed by the college, performing assigned administrative or professional responsibilities (including Resident Assistants).
d. “Faculty member” means any person hired by the college to conduct classroom activities.
e. “College premises” includes all land, buildings, facilities, and other property in the possession of or owned, used, or controlled by the college (including adjacent streets and sidewalks).
f. “College community” refers collectively and individually to students, college officials, Trustees, and all visitors, contractors, and guests to the college, facilities, or events.

g. “Organization” means any number of persons who have complied with the formal requirements for college recognition.

h. “College-sponsored activity” means any activity on- or off-campus that is initiated, aided, authorized, or supervised by the college.

i. “Conduct Officer” means a college official authorized by the Office of Community Standards to determine whether a student has violated the Student Code of Community Standards and to impose sanctions.

j. “Alleged student” means any student who is alleged to have violated any of the Student Code of Community Standards.

k. “Hold” refers to a block placed on a student’s record that may affect a student’s ability to register for classes; request a transcript, diploma, degree, or grades; and attend other college activities, including graduation.

l. “Sanction” refers to outcome(s) imposed on a student found responsible for violation of the Student Code of Community Standards.

m. “Policy” is defined as the written regulations of the college, including but not limited to those found in the Student Code of Community Standards, Graduate Bulletin, Policy Handbook for Students, Housing Handbook, and any other department- or program-specific policies.

n. “Shall” is used in the imperative sense.

o. “May” is used in the permissive sense.

SECTION III:
STUDENT CODE OF CONDUCT

College rules and regulations are set forth in writing in order to give students general notice of prohibited conduct. Any student found to have committed conduct prohibited by the college is subject to the disciplinary sanctions outlined in Section VII. The following is not designed to be all-inclusive, but should serve as a list of examples of prohibited conduct and, thus, be broadly read.
Alcohol and Other Drugs

Berklee seeks to maintain a healthy, safe, and productive learning environment for students and all its members. Berklee, therefore, strongly encourages responsible decision-making regarding the use of alcohol and drugs. Berklee prohibits the use of illegal drugs. Recognizing the detrimental impact of alcohol and other drug abuse, Berklee offers counseling and educational programs for students. All Berklee students are responsible for observing and abiding by federal, commonwealth, city, and Berklee regulations regarding the use of alcohol and other drugs.

1.) Alcohol
   a. Alcoholic beverages are permitted for persons 21 years or older and shall be limited to beer, wine, wine coolers, champagne, cider, and malt beverages. The alcohol content of beverages must be below 22 percent alcohol by volume. Hard liquor, distilled spirits, and grain alcohol are prohibited.
   b. Possessing, consuming, or being under the influence or knowingly in the presence of alcohol under the age of 21. Being under the influence of alcohol may be demonstrated through one’s actions, behaviors, or the results of a Blood Alcohol Content reading.
   c. Residents or guests of legal drinking age may not possess, consume, or provide alcoholic beverages if any resident of that room is not of legal drinking age or if any person under the age of 21 is present in the room. Alcohol is also prohibited in any designated substance-free area.
   d. Purchasing, providing, or serving alcohol to or for an underage person.
   e. Manufacturing, distributing, or engaging in the sale of alcohol.
   f. Possessing excessive amounts of alcohol. Students may not possess more than the equivalent of six drinks per number of legal-age residents in a campus residence. One drink is equivalent to a 12-ounce beer, wine cooler, malt beverage, or cider; or a five-ounce glass of wine or champagne. One standard (750 ml) bottle of wine is equal to five drinks. For the purpose of clarity, students are not allowed to possess more than one standard bottle of wine.
g. Possessing, providing, or consuming alcohol in common areas, corridors, lobbies, elevators, or the exterior of a residence hall or facility.

h. Creating and/or engaging in drinking games involving rapid and/or excessive consumption of alcohol. Possessing devices designed as a central source of alcohol or designed for the purpose of the rapid consumption of alcohol (e.g., beer bongs, funnels, yards of ale, kegs, party balls, punch bowls, etc.).

i. Possession of empty alcohol containers and paraphernalia. Paraphernalia specifically includes, but is not limited to, empty bottles and cans, flasks, beer bongs, funnels, boxes of wine, and kegs. Shot glasses and drinking glasses (such as beer steins and wine glasses) are permitted. Empty alcohol containers including, but not limited to, beer bottles/cans and bottles of wine, are not considered decorative and are not permitted.

j. Any misconduct under the influence of alcohol as demonstrated through one’s actions or behaviors, regardless of age. Behavioral symptoms frequently associated with intoxication will be considered in determining public intoxication. These symptoms include, but are not limited to, impaired motor-skill coordination, difficulty communicating, vomiting, glazed and/or red eyes, the smell of alcohol on one’s breath, verbal and/or physical aggressiveness, destructive and/or disruptive behavior, and engaging in any behavior that may endanger oneself or others.

k. Any operation of a motor vehicle during consumption of alcohol, or following consumption of alcohol that creates a risk of danger to self, others, or the college community.

l. Any alleged violations of the alcohol policy will result in immediate disposal of alcohol on scene and/or the confiscation of any prohibited devices, in addition to other appropriate sanctions.
2.) Controlled Substances/Drugs

a. Possessing, consuming, or being under the influence or knowingly in the presence of any illegal drug or any controlled substance not prescribed to the user by a licensed medical professional. The odor of marijuana or any other prohibited substance may suffice to constitute a violation of this policy.

b. Use of substances for purposes or in manners not as directed, including use of prescription medication not prescribed to an individual and/or providing prescription medication to an individual to whom it is not prescribed. All prescription medication should be stored in its original, labeled container.

c. Use of any substance to provide an altered state of being, including huffing, snorting, smoking, or otherwise possessing or using legal substances in manners not as intended. Substances including, but not limited to, K2, “Spice,” salvia, and pyrovalerone derivatives (found in substances marketed as “bath salts”) are not intended for human consumption and are prohibited for possession or use.

d. Possessing and/or using drug paraphernalia, including, but not limited to, pipes, grinders, roach clips, bongs, blow tubes, rolling papers, scales, or any material or apparatus containing drug residue.

e. Manufacturing, selling, transporting, and/or distributing controlled and unprescribed or illegal substances or any prohibited substances as defined above.

f. Possessing, consuming, or being under the influence of legally obtained medical marijuana while on-campus or during college events, activities, trips, or classes.

Respect for Individuals

Because mutual respect is essential for an artistic and educational institution to thrive, Berklee expects that students conduct themselves in a manner that respects each and every member of the community.
3.) Harmful Behavior

a. Physical harm or threat of physical harm to any person or persons, which encompasses any action where physical contact is made resulting in harm or with the intent to cause harm. This harmful behavior policy may not apply in those instances where it is found that a student is acting in self-defense.

b. Verbal or written abuse, threats, intimidation, coercion, or conduct that would reasonably tend to cause alarm, anger, fear, or resentment in others or interfere with the ability to learn. This may be conducted through a variety of media, including, but not limited to, physical, written, visual, electronic (e.g., texting, social media, etc.), or oral means.

c. Harassment is conduct (not based on a protected characteristic) that is severe, pervasive, or persistent to a degree that a reasonable person similarly situated would be prevented from accessing an educational opportunity or benefit. This behavior includes, but is not limited to, persistent verbal abuse, threats, intimidation, and coercion. In addition, harassment may be conducted through a variety of media, including, but not limited to, physical, written, visual, electronic (e.g., texting, social media, etc.), or oral means.

d. Bullying is defined as behavior (including through written, visual, electronic (e.g., texting, social media, etc.), or oral means) that is intentional and repeated, or meant to be done in humor or in jest, that results in the intimidation, injury, or distress of another individual physically, mentally, or socially.

e. Stalking is defined as a persistent, unwanted or unwelcome, and repeated course of conduct that would cause a reasonable person to become fearful for the person’s safety or the safety of another or suffer substantial emotional distress.

f. Condoning or encouraging acts of harmful behavior as defined above or failing to stop an act of such behavior while it is occurring.
4.) Equity Policy Violations
   a. The Equity policy prohibits and addresses acts of discrimination, harassment, and sexual misconduct, including, but not limited to, sexual assault or harassment, domestic violence, dating violence, and stalking based on race, color, religion, gender, gender identity, transgendered status, national origin, age, disability, military or veteran status, sex, sexual orientation, genetic information, marital status, pregnancy, or any other characteristic protected by law (collectively referred to as “protected characteristics”). Such cases are addressed under Berklee’s Equity Policy and Process, available at berklee.edu/equity/policy-and-process.

5.) Hazing
   a. An act that threatens the mental, physical, emotional, or academic health or the safety of a student through actions or situations that endanger, embarrass, harass, demean, or ridicule any person regardless of location, intent, or consent of participants.
   b. Condoning or encouraging acts of hazing or failing to stop an act of such behavior while it is occurring.
   c. Berklee College of Music supports all laws of the Commonwealth of Massachusetts governing hazing. The specifics of the anti-hazing statute are in Sections, 17, 18, and 19 of Chapter 269 and 665 MGL.

6.) Retaliation
   a. Any conduct or behavior that interferes with a person’s rights and ability to pursue both internal disciplinary processes and charges through external law enforcement authorities. Retaliation may include intimidation, threats, coercion, or adverse employment or educational actions.

7.) Audio/Video Recording
   a. Undisclosed and unauthorized recording of other individuals within the college community. Students are expected to respect
the reasonable expectations of privacy of other individuals within the college community. Accordingly, students are not permitted to make or attempt to make an audio or video recording of private, nonpublic conversations, and/or meetings on college premises, without the knowledge and consent of all participants subject to such recordings. In such circumstances, the uses of undisclosed hidden recording devices is prohibited, as is the transmission and/or distribution of any such recordings. This provision does not extend to the recording of public events or discussions or to recordings made by Public Safety or college staff for law enforcement or college administrative proceedings. Students will be made aware when they are being recorded for administrative proceedings.

Respect for Community

Berklee requires that all students conduct themselves with the respect for the rights of others required of an artistic and educational institution. Upholding the reputation of Berklee within the community is essential in maintaining the artistic and educational reputation of the institution, which is vital in preserving the standing of the college with the local, national, and global community.

8.) Academic Dishonesty

a. Students/organizations shall refrain from all acts of dishonesty, including, but not limited to, cheating, plagiarism, and other forms of academic dishonesty.

b. Instances of academic dishonesty will be adjudicated according to the policies of the academic department for the course. For further information, please review the Student Policy Handbooks for Berklee and the Boston Conservatory at Berklee.

9.) Smoking/Tobacco

a. The use of all tobacco products in all property that is owned, operated, leased, occupied, or controlled by the college. Smoking is also prohibited within 25 feet of an exit, entrance, or operable window to ensure that environmental tobacco smoke
does not enter the area through entrances, windows, ventilation systems, or any other means. “Property,” for purposes of this paragraph, includes all buildings, as well as leased or rented transportation vehicles, including buses, vans, and shuttles. “Tobacco Products” means all forms of tobacco, including, but not limited to, cigarettes, cigars, pipes, water pipes (hookahs), e-cigarettes (any device intended to simulate smoking), and smokeless tobacco products.

10.) Disorderly Conduct
   a. Any behavior which disrupts the orderly conduct, processes, and functions of the college or infringes on the rights of others’ normal activities.
   b. Public intoxication or substance abuse which creates an unsafe environment for self and others.
   c. Public urination or defecation.
   d. Disruption or obstruction of teachings and academic learning.
   e. Any act which deliberately impedes the normal flow of pedestrian and/or vehicular traffic.
   f. Any act which aids, abets, or causes another person to breach the peace of the college premises or college-sponsored/related functions.
   g. Causing community disturbances, including, but not limited to, excessive or unreasonable noise, excessively large parties, or rude and abusive language or behavior.

11.) Complicity
   a. Assisting, through act or omission, another student, individual, or group in committing or attempting to commit a violation of the Student Code of Community Standards. A student who has knowledge of another student committing or attempting to commit a violation of the Student Code of Community Standards is required to remove themselves from the situation, and failure to do so when reasonable under the circumstances may be the basis for a violation of this policy.
12.) Obstruction of Investigation

Berklee strives to provide a fair judicial process for all members of the community. Obstructing this process prohibits the college from providing fairness. Obstruction occurs in many forms, including, but not limited to, the following conduct:

a. Attempting to discourage participation in or use of the complaint/disciplinary process.

b. Attempting to influence the impartiality of any member of the college community or anyone else that is involved in an investigation, meeting, or hearing.

13.) Misrepresentation/Filing False Reports

a. Knowingly or willfully providing false information or statements to any representative of the college in any form.

b. Creating, possessing, using, and/or distributing fabricated IDs

c. Forgery, alteration, or misuse of any documents, materials, files, records, or instruments of identification.

d. Withholding information, including failing to disclose or update records of convictions or disciplinary actions on applications. Students who do not comply with the college’s requirement to disclose records of criminal conviction or disciplinary action taken by the student’s school, either before applying or after applying but before matriculation, will be considered in violation of this section. Failing to disclose will be considered a serious violation and may include suspension or dismissal from the college.

e. Signing contracts or authorizing payment for services on behalf of the college. Students are not authorized procurement agents of the institution. Students may sign contracts on their own behalf but bear the responsibility of all the terms and conditions of that contract, including payment arrangements.

14.) Failure to Comply

a. Failure to comply with the directives of college officials and their authorized agents, including, but not limited to, the directives of Public Safety, Student Affairs, and Housing and Residential Life professional and student staff.
b. Failure to complete or adhere to sanctions resulting from a hearing outcome may be considered failure to comply.

15.) Fire Safety
   a. Tampering with or using fire-safety equipment such as extinguishers, smoke detectors, sprinklers, alarm-pull stations, or emergency exits other than in emergency situations. This includes the use of fire escapes as regular entrances and exits to and from a building, as these are only to be used in the case of a fire or an alarm.
   b. Fire drills are conducted at various times during the year to ensure that all residents are familiar with evacuation procedures and to test safety equipment. During a fire drill or alarm, every person must evacuate the building and follow emergency procedures issued by Public Safety, Housing and Residential Life, or local authorities/emergency personnel.
   c. Any substance or device that could cause a fire, damage, or an explosion is not permitted inside any Berklee facility.
   d. Burning, or attempted burning, of any personal or public property.
   e. Negligence that contributes to the activation of a fire alarm and/or fire department response including the unauthorized use of candles or open flames in a Berklee building may result in alleged violations of fire safety. Appropriate sanctions, including the imposition of fines, will be determined based on the level of negligence, frequency of incidents, and any resulting damage that may have occurred.

16.) Solicitation
   a. Any personal, commercial, or political solicitation, sale or distribution of material, pamphlets, newsletters, or newspapers on the college’s campuses must be approved by the Office of Student Activities, Housing, and/or other offices where deemed appropriate. Violators may be denied the privilege of any further approved solicitation on campus.
17.) Gambling
   a. Betting on, wagering on, or selling pools on any event.
   b. Possessing on one’s person or premises any card, book, or other device for registering bets.
   c. Knowingly permitting the use of one’s premises or one’s telephone or other electronic communication device for illegal gambling.
   d. Offering, soliciting, or accepting a bribe to influence the outcome of an event.

18.) Animals
   a. No animals are allowed in the residence halls or in administrative buildings, with the exception of a guide dog that accompanies a visually impaired person, other persons with disabilities, or live-in professional staff. Those that need an emotional support animal will need to work with the Office of Disability Services for approval. The college may contact the Humane Society or Animal Control to facilitate the removal of unauthorized animals from campus.

19.) Weapons
   a. Possessing a concealed or unconcealed firearm, weapon, or other hazardous material on the campuses of Berklee, on premises owned or within the control of the college, or at functions sponsored by the college.
      i. Items covered by this policy include, but are not limited to, guns and firearms of all types; stun guns, air guns, and spearguns; machetes, swords, and knives, except for pocket knives with blades less than three inches and knives normally used for cooking or dining; billy clubs, metallic knuckles, and martial arts weapons; bows and arrows; slingshots; incendiary devices and explosives of any type; and any other types of dangerous weapons.
   b. In addition, other than for use as props in official Berklee activities, this policy also prohibits individuals from possessing replica or “toy” weapons on-campus, and from possessing on-campus component parts that can be readily assembled into a weapon.
c. This policy does not apply to lawfully obtained self-defense chemical spray. An individual may carry a chemical spray sold commercially solely for purposes of lawful self-defense that is compact in size, designed to be carried on or about the person, and contains not more than two ounces of chemicals.

20.) Abuse of College Resources

a. Students who demonstrate a lack of regard for college regulations or policies through behavior that includes, but is not limited to, excessively locking themselves out of their assigned residence hall, may be subject to the disciplinary process. The Office of Community Standards shall determine what constitutes an excessive number, based on the circumstances.

Respect for Property

In order to ensure the collectively beneficial functionality of an artistic and educational community, Berklee requires the responsible use of all property, including rehearsal spaces, practice rooms, buildings, tangible goods, technology, and equipment. Respect for property also involves helping to foster a positive and supportive environment. As such, this expectation requires students to respect personal and institutional property, inside and outside the Berklee community.

21.) Unauthorized Entry

a. Unauthorized entry or attempt to enter any college facility or portion thereof, or unauthorized use or abuse of any college building, facility, or premise.

b. Students are not permitted on the roofs of any building at any time, unless authorized by professional college staff acting in the performance and scope of their duties.

c. Unauthorized possession, duplication, or use of any college facility key. This includes unauthorized use/misuse of card access. Only professional college staff acting in the performance and scope of their duties may authorize use of college keys/access.
22.) Theft
   a. Attempted or actual theft of property of the college community or other personal or public property. This includes physical or digital theft of services on college premises.
   b. Knowingly possessing stolen property.

23.) Property Damage
   a. Attempted or actual vandalism, damage, or destruction of property of the college, community, or other personal or public property.

24.) Vehicles
Both commuter and resident students are prohibited from bringing an automobile to campus. Traffic is highly congested and the very limited meter parking has strictly enforced limits. Violators may be towed at their expense.

   a. Forms of personal conveyance including, but not limited to, bicycles and electric scooters are not permitted within college-owned facilities and must be kept outside the buildings in the approved designated areas (e.g., Bicycle Pavilion). Boards of any kind are not permitted to be used indoors.
   b. Operation or parking of vehicles in unauthorized spaces, restricted areas, and non-designated parking spaces.

25.) Technology Resources
Theft or abuse of computer usage or network services including, but not limited to:

   a. Sending abusive or unwanted material causing the work or college experience of others to be disrupted.
   b. Copying files or passwords belonging to others.
   c. Anonymous or pseudo-anonymous communications that appear to dissociate oneself from responsibility for one’s actions.
   d. Distributing or making one’s password or another person’s
password or access code available to others; otherwise attempting to evade, disable, or “crack” a password or other security provisions; or assisting others in doing so.

e. Use of resources for unlawful purposes or for use not specifically permitted by the college, or assisting another in such use.

f. Targeting another person or organization to cause distress, embarrassment, injury, unwanted attention, or other substantial discomfort.

g. Transmitting through or posting on any online network sexually explicit images or any other content the college deems to be offensive.

h. Communications under a false name or designation or a name or designation community members are not authorized to use, including instances in conjunction with representing that one is somehow acting on behalf of or under the auspices of Berklee College of Music.

i. Unauthorized transmission of copyrighted or other proprietary content.

j. Use of any symbol, logo, or graphic used by or associated with Berklee College of Music for personal use

General Provisions

26.) College Policies

a. Students/organizations who violate published college policies, procedures, regulations, or rules will be adjudicated. Such regulations include, but are not limited to, information in the Housing Handbook, Summer Program handbooks, and regulations relating to parking and traffic.

27.) College Housing Policies

a. Failure to abide by the proper procedures listed in the Housing Handbook and Housing contract.

b. Possession of unapproved furniture, room decorations, and/or prohibited items. A list of prohibited items can be found by reviewing the Housing website at berklee.edu/housing.
c. Excessive garbage, unsanitary living conditions, and any behaviors that contribute to the health and safety concerns of the students or community.
d. Violation of guest policy. Guests must abide by all guest policies, which includes properly registering a guest with appropriate residence life member, or security, as described in your Residence Life Handbook.
e. Noise violations, including, but not limited to, playing amplified music loud enough to be heard outside your room, playing an instrument in your room or outside resident buildings, shouting out windows, or in any way creating noise that is disruptive of residents’ ability to sleep or study.
f. Tampering with, removing, or damaging window screens and window locks, in addition to utilizing an open window to throw an item from any building. In 160, it is a violation to open your window, unless for emergency reasons.
g. Engaging in hall sports in the residence halls.
h. Failing to abide by summer program-specific policies and protocols (please see addendum below following the Rules of Conduct).

28.) Federal, Commonwealth, and Local Laws

a. Students/organizations must comply with all federal, commonwealth, and local laws.

Summer Programs Addendum:
Due to the age range of students involved in summer programs, there are additional policies in effect that are designed and enforced to ensure the safety and well-being of the students participating. In addition to all of the policy violations outlined above in the Rules of Conduct, summer program students must abide by the following:

a. Possession and/or use of alcoholic beverages in summer program designated residence halls is prohibited, regardless of age. It is also a violation to be in the presence of or under the influence of alcohol and/or drugs while in the residence halls.
b. Sexual activity is prohibited within the residence hall and/or while participating in the program. Any activity which is a violation of Massachusetts General Law c.265, s. 23 (commonly known as the Statutory Rape Law), regarding statutory rape and abuse of a child, is unlawful and in violation of the standards. Also, please understand that by law we may be required to report this behavior to state authorities and such behavior may also be grounds for immediate dismissal from the program without reimbursement of tuition and fees. Please note that in Massachusetts this law defines a child as someone under the age of 16.

c. Residents must abide by the check-in/curfew policies as prescribed by their respective program.

d. Nonresident guests are not allowed in the building at any time.

e. The only individuals allowed in a residence hall room are the individuals assigned to the specific room. Residents are not allowed to be present at any time in any room other than the room to which they are assigned. Students can use lobbies and lounges for socializing. Summer program students are prohibited from sleeping overnight in a room that is not assigned to them.

Violations of the code and these additional standards will be investigated swiftly and may lead to immediate removal from the program without reimbursement of fees, as well as parental notification. There is zero tolerance for violations of the alcohol and drug policy, and such violations will result in removal from housing and the summer program.

SECTION IV:
STANDARD OF EVIDENCE

The standard of evidence used in disciplinary decision-making shall be that of a preponderance of the evidence or information presented (i.e., it is “more likely than not” that the alleged student violated the Student Code of Community Standards). The admissibility of evidence or information presented for consideration to a conduct officer is at the discretion of the Office of Community Standards.
SECTION V: DISCIPLINARY PROCEDURES

1.) Authority

a. The Director of Community Standards shall serve as the chief conduct officer and shall determine the composition of the conduct officers and which conduct officer shall be authorized to hear each case.

b. The Office of Community Standards shall develop policies for the administration of the conduct program and procedural rules for the conduct of hearings, which are consistent with provisions of the Student Code of Community Standards.

c. Decisions made and sanctions imposed by the chief conduct officer or other conduct officer(s) shall be effective and final pending the normal appeal process.

d. A conduct officer may be designated as a mediator of disputes within the student community in cases which do not involve a violation of the Student Code of Community Standards. In order for mediation to be successful, all parties must agree to be bound by the decision with no right of appeal. In cases where violations of the Student Code of Community Standards appear to have occurred, those individuals may be charged with violating this code. This process will only occur by approval of the Director of Community Standards.

2.) Applicability

a. The policies outlined in the Student Code of Community Standards apply to all students of Berklee, regardless of whether they live on- or off-campus.

b. Student organizations are held accountable to the policies outlined in the Student Code of Community Standards. Any violation of the Student Code of Community Standards by one or more members of a student organization may constitute a violation by the organization itself. When reasonable connections are made between the acts of individual students and an organization to which they belong, sanctions may be imposed on the organization as well as any offending member.
3.) Jurisdiction of the College/Off-Campus Conduct

a. College jurisdiction and discipline shall be limited to conduct which adversely affects the college community or the pursuit of its objectives.

b. The college may choose to review or initiate the disciplinary process against a student: i.) If a student is charged with an off-campus conduct violation of federal, state, or local laws; or ii.) When a student’s behavior off-campus interferes with the rights of others, reflects adversely on the college, or results in a criminal charge. The circumstances of the case shall be reviewed by the Office of Community Standards to determine whether the student may be subject to further disciplinary action and/or determine the status of the student.

c. Students may be accountable to both civil and criminal authorities, in addition to the college, for acts that constitute violations of law and of the Student Code of Community Standards. Although the college may choose to withhold adjudication pending further investigation or resolution of civil or criminal charges, disciplinary action at the college will normally proceed, concurrently with these civil or criminal proceedings and will not be subject to challenge on the grounds that civil or criminal charges involving the same incident have been dismissed or reduced. When a student has been charged by a civil authority for violation of law, the college will neither request nor agree to special consideration for the student solely because of their status as a student.

4.) Filing an Incident Report

Any member of the Berklee or extended community may submit a report of alleged violations or concerns about any student to the Office of Community Standards via the online incident reporting system, Public Safety, or the Office of Student Affairs. Such information shall be submitted online with the incident report form as soon as possible after the incident takes place. Incident reports are reviewed by the college, which makes the determination of possible next steps, including additional investigation, providing resources, care/support, alleging violations, or having an educational meeting or follow-up letter sent. Please visit berklee.edu/community-standards to submit an incident report.
report. All emergencies should be reported to Public Safety or local law enforcement.

5.) Adjudication Process

a. A student who is alleged to have violated the Student Code of Community Standards shall have the matter adjudicated by a Conduct Officer.

b. Alleged violations of college regulations by officially recognized student organizations are also handled by the Office of Community Standards.

6.) Alleging Violations

a. The Office of Community Standards shall make every effort to have alleged student misconduct matters considered as expeditiously as possible in order to remove any question of a student’s continuance at the college. The Office of Community Standards will secure all available information concerning the alleged misconduct to determine if the alleged violations have merit. If the student withdraws from the college or is no longer an active student, re-entry shall not occur until all cases are resolved. Prior to adjudication, the Office of Community Standards may establish restrictions or specific parameters and expectations for the behavior of the alleged student if, in the judgment of the Office of Community Standards, lack of such restrictions or parameters may lead to disruption of the residential or college community.

b. The Office of Community Standards shall communicate the alleged violations to the student via their Berklee email account. Notices of alleged violations will include a scheduled hearing appointment.

7.) Hearing Procedures

a. Hearings shall be conducted according to the following guidelines:
   
   i. The hearing is for the purpose of discussing the alleged violation(s) of the Student Code of Community Standards.
ii. The alleged student’s hearing shall be open only to the alleged student, his or her advisor, the conduct officer, witnesses (when called upon by the conduct officer), and a representative from the Office of Community Standards.

iii. Admission of any person to the hearing shall be at the discretion of the conduct officer.
   1. Relevant witnesses may be interviewed by the conduct officer outside of the formal hearing.
   2. Advisors—Students shall be afforded the privilege to have an advisor present who does not have a direct role in the Community Standards Process or potential violation. While students are permitted to select an advisor of their choice, the advisor may not speak for the student or interfere with the hearing in any way.

iv. All procedural questions are subject to the final decision of the conduct officer.

v. Any oral or written statements that the student may make pertaining to the alleged violation may be presented to the conduct officer.

vi. Participants will be afforded the privilege to prepare a written statement concerning the alleged violation to be shared at the time of the hearing.

vii. The alleged student is presumed not responsible until determined responsible for the alleged violation(s) based on a preponderance of the evidence standard.

viii. Participants will be afforded the opportunity to inspect and review all non-confidential information regarding the alleged violation(s) in any proceeding, including incident reports and other materials upon which the alleged violations are based from the Office of Community Standards. Requests to inspect and review such materials shall be made in writing at least two business days preceding the established time for the disciplinary hearing. The college does not assume responsibility to make available these materials in advance of the hearing, but will attempt to provide access to the materials when formally requested in
writing. The parties involved will review the materials at the Office of Community Standards or prior to the start of the Community Standards meeting.

b. In Absentia—If the student fails to appear for a scheduled hearing or fails to reschedule a meeting and the Office of Community Standards has, in good faith, exhausted all reasonable efforts to schedule a hearing, the Office of Community Standards, on the basis of the information available, may make a determination of a violation of the Student Code of Community Standards and may impose sanctions for such violations. This decision shall be communicated in writing to the student via their Berklee email account. The appeal process as outlined in Section VI shall be in place for hearings in absentia.

c. At the conclusion of the meeting or within a reasonable amount of time thereafter, the conduct officer shall determine whether the student has been found responsible or not responsible for violation of each section of the Student Code of Community Standards that the student is alleged to have violated.

d. If the student is found to have violated the Student Code of Community Standards, the conduct officer shall create sanctions to be imposed. A communication outlining the hearing decision and any applicable sanctions will be sent to the student’s Berklee email account and, as required by law, to the complaining student, parents, or Berklee employees who have a legitimate need to know.

e. A student’s prior record (legal or disciplinary) may be considered in determining appropriate sanctions when it is determined a violation occurred.

f. Any student who fails to complete the sanction(s) issued in their disciplinary hearing and outlined in the decision letter will be viewed as noncompliant. Noncompliance is looked on unfavorably by the college and may result in further disciplinary action and a hold being placed on the student’s account.

g. In cases where it is determined that a student is not responsible for violation of the policies alleged, no sanctions will be imposed.

h. Any student who is suspended or separated from the college will need to work directly with Financial Aid to understand the effect on aid and scholarships.
SECTION VI: APPEALS

a. Students have the right to appeal decisions reached by the Office of Community Standards. The student shall adhere to the following stipulations:
   
i. Appeal requests shall be made in writing to the Office of Community Standards within five business days of the decision being sent.
   
ii. In appealing a disciplinary decision, said appeal must fall into one of the following categories:
   
   1. The student has new evidence available that was not available prior to the original hearing;
   
   2. The hearing process as outlined was not adhered to during the student’s original hearing.

b. Upon receipt of the appeal request, the Office of Community Standards shall evaluate the request and decide whether an appeal hearing will be granted. If an appeal hearing is granted, the Office of Community Standards will notify the student of an appeal hearing. The Office of Community Standards may determine an outcome based on the information provided in the appeal without further action of the student(s) involved or participation in an additional hearing. If an appeal hearing is not granted, an official response from the Office of Community Standards as to why the appeal request is denied will be sent.

c. Appeal hearing decisions will:
   
i. Affirm the original decision(s); or
   
ii. Modify/reverse the original decision(s) and/or sanction(s).

d. Decisions in appeal hearings shall be the final determinant of college violations. If the appeal officer upholds the original findings, the effective date of any sanction(s) imposed will revert back to the date of the original decision letter.

e. Students are expected to uphold the Student Code of Community Standards at all times. Sanctions are in effect at the time of the original decision letter and will be final pending the outcome of a formal appeal. Any alleged violation(s) of the Student Code of Community Standards that occur while
an appeal is pending may result in more severe sanctions if a student is found responsible for the additional violation(s).

f. Appeals shall be heard by designated appeal officers identified by the Office of Community Standards.

SECTION VII: SANCTIONS

It is important for our students to know that our system aims to be educational and developmental. It is, however, important for students to recognize that there are severe consequences for policy violations. All violations are taken very seriously and each situation is individually assessed in determining appropriate sanctions.

1.) Educational/Restorative Sanctions

The sanctions listed below are examples of educational sanctions, which are aimed at providing the student who is found responsible for violations of the Student Code of Community Standards the opportunity to reflect upon their experiences, take individual and community responsibility into consideration, and aim not only to avoid duplicating past inappropriate behavior but to make active efforts to learn and grow from the experience. This list highlights standard sanctions, but is not exhaustive.

a. Anger Management Education, consisting of two one-on-one, 50-minute sessions with a trained staff member in the college Counseling Center where students identify potential changes to reduce risk of further difficulties resulting from anger.

b. Brief Alcohol Screening & Intervention for College Students (BASICS) is a two-session brief alcohol and other drug screening and intervention created specifically for college students. The goals are selected by the student and aimed at reducing risky behavior and potential harmful consequences from usage. BASICS meetings focus on discussing alcohol and/or drug use, giving personalized feedback, and developing strategies to help make informed decisions about alcohol and/or drugs.

c. Alcohol Education group is a one-time discussion that provides
tips to minimize the negative effects and consequences of alcohol, as well as ways to stay safe, whether or not students choose to drink.

d. **Campus Clarity’s Think About It courses** are a set of three online education and prevention courses that address alcohol, drugs, and sexual violence.

e. **Referrals** are required recommendations to internal and external resources and offices, which can serve as support and/or educational experiences. Examples include the Counseling Center, Diversity and Inclusion, etc.

f. **A Letter of Apology** is a personal communication outlining involvement in a situation, showing personal responsibility and a reflection of commitment not to duplicate the initial situation.

g. **Check-in/Success Meeting** between the student and a selected staff member provide updates on personal goals/growth, reflection on the incident, and current status.

h. **Restitution** is compensation for damage, loss, theft, or injury. The conduct officer shall set the amount and form of restitution, which shall not exceed the fair amount of damage, loss, theft, or injury incurred.

i. **Reflection/Research Papers** may be assigned as an opportunity for the student to reflect upon and/or research topics related to their incident. Topics may include, but are not limited to, general reflection; impact on others; impact on the future; research of college policies and local, state, or federal laws; and interviews.

j. **Community Restitution** consists of a designated number of hours the student must complete by volunteering with the college and/or local community.

k. **Parental/Guardian Notification** may occur, as the Family Education Rights and Privacy Act (FERPA) allows universities to notify parents/guardians when students violate student conduct codes pertaining to the use or possession of alcohol or a controlled substance. While the college respects student privacy, we will exercise our right to notify parents/guardians when our policies in regard to use and possession of alcohol or other controlled substances are violated. Notification of parents/guardians will typically occur when a student is hospitalized for alcohol/substance use or has repeated alcohol/substance violations that may affect his or her success at the college.
college reserves the right to contact parents/guardians in other circumstances. It is in students’ best interest to contact their parents/guardians first, when possible.

2.) Disciplinary Sanctions

The below listed items are status-level sanctions placed on a student as a result of being found responsible for violations or used in other circumstances for the safety and security of an individual or greater community. Any student who has been required to leave the college for disciplinary reasons and had exhausted the appeal process shall leave the premises immediately after being notified, unless permission to remain longer is obtained. Any student who is required to leave the college for disciplinary reasons shall not be eligible for a refund of tuition or fees.

a. Disciplinary Warning—It should be known that future or similar behavior will be subject to more severe disciplinary sanctions, including, but not limited to, probation or dismissal from the college with no reimbursement of fees or tuition.

b. Disciplinary Probation—Probationary status restricts your ability to study abroad and to participate in certain leadership opportunities with the college. This also means that if you violate any policies of the college or exhibit behavior prohibited by the college, you may face more serious disciplinary sanctions, including immediate dismissal from the college with no reimbursement of fees or tuition.

c. Disciplinary Suspension—Suspension means the student will not be able to participate in any Berklee classes, activities, or college-sponsored events during the term of suspension. After suspension has been served, the student will be able to return to the college, contingent upon certain conditions, and will be placed on disciplinary probation. Probationary status restricts ability to study abroad and to participate in certain leadership opportunities with the college. This also means that if the student violates any policies of the college or exhibits behavior prohibited by the college, the student may face more serious disciplinary sanctions, including immediate dismissal from the college with no reimbursement of fees or tuition.
d. **Expulsion**—Termination of the student’s enrollment and permanent separation of the student from the college. Students expelled from the college are not permitted to enter any college facility or to be on any college property. Violators of this sanction could be subject to arrest for trespassing. This sanction also includes the same restrictions listed in Disciplinary Suspension. Expulsions will result in a permanent notation on the student’s academic transcript.

e. **Fines**—A fee for service to cover costs associated with the incident or to support educational development. Previously established and/or appropriate fines may be imposed, depending on the incident.

f. **Restriction of Privileges**—Denial of specific privileges for a definite period of time. Restrictions will be clearly defined.

### 3.) Administrative Actions

The below listed actions are administrative decisions that may be placed as a result of behavior exhibited for the safety and security of an individual or greater community; they are not subject to appeal.

a. **Behavioral Agreement**—An agreement between a student and the college that defines expected behavior and unacceptable behavior, consequences for breaking the agreement, and resources for the student’s success while at the college.

b. **Confiscation**—Removal of items possessed in violation of the Student Code of Community Standards.

c. **Hold**—Refers to a block placed on a student’s record that may affect a student’s ability to register for classes and/or request transcripts, diploma or degree, grades, and other college activities including graduation.

d. **Deferred Removal**—This status indicates that the resident’s status in college housing is now in jeopardy. Deferred removal results in a decision in consultation with Housing and Residential Life to reassign a resident’s living unit within housing to another assignment and usually prohibits the resident from returning to the residential area associated with the former assignment. Any additional violation will result in termination of the student’s
housing agreement. This status may be extended for a specific period of time, until the completion of a specific condition, or permanently.

e. **Parental/Guardian Notification**—The Family Education Rights and Privacy Act (FERPA) allows colleges to notify parents/guardians when students violate student conduct codes pertaining to the use or possession of alcohol or a controlled substance. While the college respects student privacy, we will exercise our right to notify parents/guardians when our policies in regard to the use and possession of alcohol or other controlled substances are violated. Notification of parents/guardians will typically occur when a student is hospitalized for alcohol/substance use or has repeated alcohol/substance violations that may affect his or her success at the college. The college reserves the right to contact parents/guardians in other circumstances. It is in students’ best interest to contact parents/guardians first, when possible.

f. **No-Contact Orders**—Administrative directives placed to limit the in-person and digital interactions between individuals as a means to separate individuals and information so that the college is better able to control possible information sharing, which could distort recollection of events; to separate individuals from physically or mentally/emotionally endangering persons; and to provide time to further investigate incidents.

g. **Interim Suspension**—In certain circumstances, the Student Affairs Executive Leadership may impose a college and/or on-campus housing suspension prior to the student conduct hearing.

i. Interim suspension may be imposed only:
   1. To ensure the safety and well-being of members of the college;
   2. To ensure the student’s own physical or emotional safety and well-being; or
   3. If the student poses a definite threat of disruption of or interference with the normal operations of the college.

ii. During interim suspension, the student may be denied access to on-campus housing and/or the campus (including classes) and/or all other college activities or privileges that are determined to be appropriate.
1. Case referrals may result in the development of a disciplinary file in the name of the student alleged. Other than college suspension or expulsion, disciplinary action shall not be made part of the student's academic record, but shall become part of the student's disciplinary record.

2. Records of disciplinary meetings for students found to have violated the Student Code of Community Standards shall be retained as a disciplinary record in the Office of Community Standards for a minimum of seven years from the date of the sanction or four years after the student's graduation from the college, whichever comes first. Records shall be kept in a secured file and subject to limited access by the Office of Community Standards. Disciplinary records may be retained for longer periods of time or permanently, if a student was suspended or expelled, and in situations that may result in future litigation.

3. Students will be afforded the opportunity to inspect and review all information in their disciplinary file. Requests to inspect and review such materials shall be made in writing. The college does not assume responsibility for making available these materials in advance of the hearing, but will attempt to provide access to the materials, once requested in writing.

4. In all such cases where the alleged student is found not responsible for violation of the Student Code of Community Standards, such finding shall be clearly noted in the records.

5. Students may be accountable to both civil and criminal authorities, in addition to the college for acts which constitute violations of law and of the Student Code of Community Standards. College administrative meetings are separate and distinct from any civil/criminal proceedings. As such, any notification or requests regarding the expunging or sealing of criminal/civil records are not applicable to college disciplinary records and the record will remain on file per the college’s records retention policy. This is designed to maintain the integrity of our records and ensure compliance with all federal reporting guidelines.
1.) Medical Amnesty Policy

a. Berklee College of Music stresses the importance of safety on campus and within college residential living facilities for its students. It is a realistic possibility that a student could be placed in a life-threatening situation through the consumption or abuse of alcohol or drugs. Students could be placed in a situation where a student who requires emergency services in a potentially life-threatening situation could face reprimand for the violation of college policy, preventing them from contacting such emergency services and severely threatening the life of the endangered student. In an effort to advance individual health and wellness, a core value of Berklee College of Music, and to provide a healthful working environment for every Berklee College of Music student, the following medical amnesty policy is in effect:

i. In cases of intoxication through the consumption or abuse of alcohol or drugs, the primary concern is the health and safety of the individual(s) involved. Students are strongly encouraged to call for medical assistance for themselves or a friend/acquaintance who is dangerously intoxicated.

ii. No student seeking medical treatment for an alcohol- or other drug-related overdose will be subject to the college’s disciplinary meeting for the sole violation of using or possessing alcohol or drugs. In addition, students seeking help for the intoxicated student will not be subject to the college’s disciplinary meetings for the sole violation of using or possessing alcohol or drugs.

iii. Students may be required to attend an alcohol education or customized developmental program as prescribed by the Vice President of Student Affairs/
Dean of Students and Office of Community Standards or designee to be eligible for amnesty protection.

iv. Amnesty also applies to Equity cases. For more information on the Equity policy, please visit berklee.edu/equity.

v. This policy applies only to those students who seek medical assistance in connection with an alcohol- or drug-related medical emergency and does not apply to students experiencing an alcohol- or drug-related medical emergency who are found by any college employee (including residence hall staff).

vi. The Office of Community Standards reserves the right to contact any student to discuss an incident, whether or not this Medical Amnesty Policy is implicated.

vii. Organizations: A representative of an organization hosting an event is expected to promptly call for medical assistance in an alcohol- or drug-related emergency. This act of responsibility will mitigate the disciplinary consequences against the organization resulting from any college policy violations that may have occurred at the time of the incident. Likewise, failure to call for medical assistance in an alcohol- or drug-related emergency will be considered an “aggravating circumstance,” and may affect the conduct resolution against the organization if policy violations may have occurred.

viii. The Medical Amnesty Policy covers the college’s conduct process only. It does not provide protection from the legal consequences of underage or excessive drinking.

2.) Parental Notification Policy

a. The Family Education Rights and Privacy Act (FERPA) allows the college to notify parents/guardians when students under the age of 21 violate student conduct codes pertaining to the use or possession of alcohol or a controlled substance. While the college respects student privacy, we will exercise our right to notify parents/guardians when our policies in regard to use
and possession of alcohol or other controlled substances are violated. Parents of students under the age of 21 will be notified if:

i. The student has been found for the second or more time(s) to be responsible for violation of the alcohol policy.

ii. The student has been found for the second or more time(s) to be responsible for violation of the college policy regarding public intoxication.

iii. The student has been found responsible for violation of the college’s controlled substances policy.

iv. The student has been hospitalized for alcohol/substance use.

b. At the discretion of the Vice President of Student Affairs/Dean of Students, the college also reserves the right to contact the parent of any student when:

i. The student has been arrested for violation of a local, state, or federal law.

ii. The student has been hospitalized.

iii. The student engages in behavior that endangers the health, safety, or success of the student or other individuals in the community.

iv. The alleged offense and subsequent hearing outcome is deemed to be of a serious nature and jeopardizes or changes the student’s status as a resident or student at Berklee.

c. Parents/guardians will not be notified if a student can prove financial independence from their parents/guardians. However, in the case of financially independent students under the age of 21 who have been found responsible for violating drug and alcohol policies, parents/guardians may be notified as permitted by the Family Educational Rights and Privacy Act, at the discretion of the Vice President of Student Affairs/Dean of Students.
3.) Reentry Procedures

a. Students who request to be reinstated or who are interested in returning to campus following a disciplinary suspension must obtain clearance from the Office of Student Affairs and the Office of Community Standards. Such requests should be submitted in writing at least three weeks prior to the beginning of the semester for which readmission is being requested. Any student who has outstanding sanctions must complete those prior to reinstatement. After obtaining clearance for readmission, students must comply with all student deadlines and requirements for registration and enrollment in effect at the time of their reentry. Students must also adhere to any reentry requirements put in place by the Office of Community Standards.
APPENDIX A:
COMMUNITY STANDARDS PROCESS FLOWCHART