



2025–2026

STUDENT CODE OF COMMUNITY STANDARDS



Table of Contents

SECTION I:

INTRODUCTION	4
--------------	---

SECTION II:

DEFINITIONS USED IN THIS CODE	5
-------------------------------	---

SECTION III:

STUDENT CODE OF CONDUCT	8
-------------------------	---

1. Alcohol	8
------------	---

2. Controlled Substances/Drugs	10
--------------------------------	----

3. Harmful Behavior	11
---------------------	----

4. Equity and Title IX Policy Violations	12
--	----

5. Hazing	12
-----------	----

6. Retaliation	13
----------------	----

7. Invasion of Privacy	13
------------------------	----

8. Academic Dishonesty	14
------------------------	----

9. Smoking/Tobacco	14
--------------------	----

10. Disorderly Conduct	14
------------------------	----

11. Complicity	15
----------------	----

12. Obstruction of Investigation	15
----------------------------------	----

13. Misrepresentation/Filing False Reports	15
--	----

14. Failure to Comply	16
-----------------------	----

15. Fire Safety	16
-----------------	----

16. Solicitation	16
------------------	----

17. Gambling	16
--------------	----

18. Animals	17
19. Weapons	17
20. Abuse of Berklee Resources	18
21. Unauthorized Entry	18
22. Theft	18
23. Property Damage	19
24. Vehicles	19
25. Technology Resources	19
26. Institutional Policies	20
27. Institutional Housing Policies	20
28. Federal, State, and Local Laws	20

SECTION IV:

STANDARD OF EVIDENCE	21
-----------------------------	----

SECTION V:

DISCIPLINARY PROCEDURES	21
--------------------------------	----

1. Authority	21
2. Applicability	21
3. Jurisdiction of the Institution/Off-Campus Conduct	21
4. Filing an Incident Report	22
5. Adjudication Process	22
6. Hearing Procedures	23
7. Conflict Resolution	25

SECTION VI:

APPEALS	25
----------------	----

SECTION VII:

SANCTIONS AND ADMINISTRATIVE ACTIONS	26
---	----

1. Educational/Restorative Sanctions	26
2. Disciplinary Sanctions	27
3. Administrative Actions	28

SECTION VIII:

DISCIPLINARY FILES AND RECORDS	30
---------------------------------------	----

SECTION IX:

ADDITIONAL POLICIES AND PROCEDURES	30
---	----

1. Medical Amnesty Policy	30
2. Parental Notification Policy	32
3. Reentry Procedures	32

APPENDIX A:

COMMUNITY STANDARDS AND CONFLICT	34
---	----

RESOLUTION PROCESS FLOWCHART

SECTION I:

Introduction

As an institution of higher education, Berklee strives to provide 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 institution's mission and programs.

By enrolling at Berklee, students accept the responsibility to become fully acquainted with the institution's rules, to comply with the institution'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 community. Berklee also exists in a larger society, and therefore, local, state, and federal laws can and do apply to student activity. Additionally, Berklee strives to be a good neighbor and recognizes the importance of maintaining amicable relationships with local residents and businesses. Therefore, students should be aware that the jurisdiction of the institution 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 institution and will conduct themselves as individuals who contribute positively to the campus community. Berklee will take appropriate disciplinary action for any conduct that violates the Student Code of Community Standards, whether such conduct occurs on campus, off campus, or online.

Berklee determines, publishes, and makes known its rules and regulations concerning the standards of conduct in this 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 institutional policies will not exempt any persons or groups from the conduct process.

This Code should be read broadly and is not designed to define prohibited conduct in exhaustive terms. The associate vice president and dean of student life is designated by the Berklee president to be responsible for the administration of the Student Code of Community Standards.

The Student Code of Community Standards is generally reviewed on a biannual 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. "Berklee community" refers collectively and individually to students, institution officials, and trustees.
- b. "Berklee official" includes any person employed by the institution, performing assigned administrative or professional responsibilities (including resident assistants, when working in their official capacity).
- c. "Berklee premises" includes all land, buildings, facilities, and other property in the possession of or owned, used, or controlled by the institution (including adjacent streets and sidewalks).
- d. "Berklee-sponsored activity" means any activity on campus or off campus that is initiated, aided, authorized, or supervised by the institution.

- e. "Bullying" is defined as a verbal, electronic, or physical act or gesture or the repeated use of written, verbal, or electronic expression or communication or any combination thereof that causes or is intended to cause physical, psychological, and/or emotional harm to another person or damage to property; places a community member in reasonable fear of harm or damage to property; or creates a hostile, threatening, intimidating, humiliating, or abusive environment for a community member or substantially interferes with academic performance, opportunities, or benefits. For purposes of this section, bullying may include but is not limited to social exclusion or isolation, humiliation or degradation, threats, intimidation, harassment, stalking, theft and/or damage/destruction of property, or the perpetuation of any of the conduct listed in this section by inciting, soliciting, or coercing others to demean, embarrass, humiliate, or cause emotional, psychological, or physical harm to a member of the community.
- f. "Complainant" refers to an individual who brings forward a complaint or allegation against a student, alleging that they have violated the Student Code of Community Standards.
- g. "Conduct officer" means a Berklee official authorized by the Office of Community Standards and Conflict Resolution to determine whether a student has violated the Student Code of Community Standards and to impose sanctions.
- h. "Faculty member" means any person hired by the institution to conduct classroom activities.
- i. "Good disciplinary standing" is defined as having no pending disciplinary cases or overdue sanctions, not being on disciplinary probation, and not currently being under an active disciplinary suspension or expulsion.
- j. "Harassment" is conduct (not based on a protected characteristic for the purposes of this policy) 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. The behavior includes, but is not limited to, persistent verbal abuse, threats, intimidation, and coercion. For the purposes of the Code, bullying is considered a form of harassment. The fact that a person was personally offended by a statement or incident does not alone constitute harassment in violation of this policy. Whether harassment occurred is measured from both an objective (reasonable person's view) and subjective (the reporting party's view) standard, and depends on the totality of the circumstances, including: the context of a communication or incident; the relationship of the individuals involved; whether an incident was isolated or part of a course of conduct ; the seriousness or severity of the incident; the intent of the individual who engaged in the offensive conduct; and its effect or impact on the individual and the working or learning community.
- k. "Institution" refers to Berklee, which includes Berklee College of Music and Boston Conservatory at Berklee (including programs in Boston, Valencia,

Berklee NYC, other off-campus affiliated programs, as well as Berklee Online programs).

- l. "Non-Berklee community" refers to individuals, groups, organizations, or entities that are not affiliated with or directly connected to Berklee. This includes, but is not limited to, visitors, contractors, and guests to the institution, facilities, or events, as well as external organizations, businesses, and members of the general public who do not have a formal or official relationship with the institution.
- m. "Organization" means any number of persons who have complied with the formal requirements for Berklee recognition.
- n. "Paraphernalia" refers to items related to alcohol and drug use, and includes, but is not limited to, empty bottles and cans, flasks, beer bong, funnels, boxes of wine, kegs, pipes, grinders, roach clips, bong, blow tubes, scales, or any material or apparatus containing drug residue.
- o. "Policy" is defined as the written regulations of the institution 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.
- p. "Protected characteristics" refer to an individual's race, color, religion, gender, gender identity, transgender status, national origin, age, disability, military or veteran status, sex, sexual orientation, genetic information, marital status, pregnancy, or any other characteristic protected by law.
- q. "Responding student" means any student who is alleged to have violated any of the Student Code of Community Standards.
- r. "Restriction" 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; or attend other Berklee activities, including graduation.
- s. "Sanction" refers to any required educational action or disciplinary status assigned to a student found responsible for any violation(s) of the Student Code of Community Standards.
- t. "Student" includes all persons enrolled in courses at Berklee campuses, as well as online programs, both full time and part time, including students who serve in any capacity as a part of the institution's staff; and those pursuing undergraduate, graduate, or professional studies. Persons who withdraw after allegedly violating the Student Code of Community Standards, who are not officially enrolled for a particular term, but who have a continuing relationship with the institution, or who have been notified of their acceptance for admission also are considered Students. Berklee Summer Programs participants are expected to follow the behavioral expectations outlined herein, but additional or different processes and procedures may apply than what are described here. Summer Program participants should refer to Berklee Summer Programs for more detailed information.

- u. "Tobacco products" means all forms of tobacco, including, but not limited to, cigarettes, cigars, pipes, water pipes, e-cigarettes, vaporizers (any device intended to simulate smoking), and smokeless tobacco products. (e.g., chewing tobacco, snuff, snus, and dip).
- v. "Witness" is an individual who provides testimony or evidence regarding an incident or alleged violation of the Student Code of Community Standards.

SECTION III:

Student Code of Conduct

Berklee rules and regulations related to Student Conduct are set forth herein and are intended to give students general notice of prohibited conduct. 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.

Any student found to have committed or to have attempted to commit conduct described herein is subject to the disciplinary sanctions outlined in Section VII.

Please refer to "Section II: Definitions Used in This Code" for additional information on specific terms used within the policies.

Alcohol and Other Drugs

Berklee seeks to maintain a healthy, safe, and productive learning environment for students and its members. Berklee, therefore, requires responsible decision-making regarding the use of alcohol and drugs and strictly 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 also responsible for observing and abiding by federal, state, and city laws and ordinances regarding the use of alcohol and other drugs. For further information about Berklee's Medical Amnesty Policy, refer to Section IX: Additional Policies and Procedures of this code. Amnesty also applies to equity cases; for more information, please visit berklee.edu/equity.

1. Alcohol

Students are expected to comply with federal, state, and local laws with regard to possession, use, and distribution of alcohol. The possession or use of alcoholic beverages is restricted in all cases to persons at or over the legal drinking age.

For students studying abroad at the campus in Valencia, Spain: Students are expected to comply with U.S. federal and state laws with regards to possession, use, and distribution of alcohol, irrespective of the location of the program of study. Therefore, the possession or use of alcoholic beverages on Berklee's Valencia campus is restricted in all cases to persons at or over the U.S. legal drinking age of 21, even when enrolled in a Valencia academic program. Students who are 21 years of age or older and residing in any Berklee designated third party residence hall in Valencia, Spain, must abide by the residential-specific policies related to alcohol, and all students must abide by the alcohol policies listed in the Student Code of Community Standards.

Students residing in Berklee or Boston Conservatory at Berklee residence halls must also abide by the residential-specific policies related to alcohol. Residential students who are 21 years or older are only allowed to possess 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.

Residential students who are under the age of 21 are not allowed to be in the presence of alcohol while in the residence halls. Residential students over the age of 21 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 allowed to possess only one standard bottle of wine.

Additionally, 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.

Decorative drinking glasses (such as beer steins and wine glasses), as well as shot glasses, are permitted for residential students. The institution will utilize its discretion when determining whether such items are considered decorative. Empty alcohol containers including, but not limited to, beer bottles/cans and bottles of wine, are not considered decorative and are not permitted.

Any alleged violations of the alcohol policy will result in the immediate disposal and/or confiscation of substances and the confiscation of any prohibited devices, in addition to other appropriate sanctions. By way of example, violations of the alcohol rule of conduct may include, but are not limited to:

- a. Possessing, consuming, or being under the influence of alcohol under the age of 21 in the United States or under the legal age of consumption according to the laws of a foreign host-country. Being under the influence of alcohol may be demonstrated through one's actions, behaviors, or the results of a blood alcohol content reading.
- b. Being knowingly in the presence of alcohol under the age of 21 on campus, excluding Berklee-sponsored events where alcohol has been authorized.
- c. Possessing hard liquor, distilled spirits, grain alcohol, and/or beverages with an alcohol content greater than 22 percent by volume in a campus residence.
- d. Possessing or consuming alcoholic beverages in a campus residence when underage residents are living in the room and/or when any person under the age of 21 is present in the room.
- e. Purchasing, providing, or serving alcohol to or for an underage person.
- f. Manufacturing, distributing, or engaging in the sale of alcohol.
- g. Possessing more than the permitted amount of alcohol in a campus residence.
- h. Possessing, providing, or consuming alcohol in common areas, corridors, lobbies, elevators, the exterior of a residence hall or facility, academic building,

or any residence halls where alcohol is not permitted, excluding Berklee-sponsored events where alcohol has been authorized.

- i. Creating and/or engaging in drinking games involving rapid and/or excessive consumption of alcohol.
- j. 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, and punch bowls) on campus property or at student organization events that occur either on or off campus.
- k. Possession of empty alcohol containers and paraphernalia on campus property.
- l. Public intoxication or 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.
- m. 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 Berklee and/or non-Berklee community.

2. Controlled Substances/Drugs

By way of example, violations of the controlled substances/drugs rule of conduct may include, but are not limited to:

a. Cannabis/Marijuana

Although some state laws permit the use of medical and recreational marijuana, Berklee must comply with federal laws regarding the use of controlled substances. Federal law prohibits marijuana use, possession, distribution, and/or cultivation at educational institutions. Such activity is therefore not allowed in any Berklee residence hall or on any other Berklee property; nor is it allowed at any Berklee-sponsored event or activity off campus or any student organization event activity.

Federal law allows for possession and use of CBD products derived from hemp, not marijuana. CBD products containing an amount of greater than 0.3 THC are not permitted. Berklee allows the possession and use of CBD oil products derived from hemp, so long as the product is clearly labeled as hemp-derived and free from all but trace amounts of THC oil (nothing greater than 0.3 percent). Students are responsible for retaining the packaging for these items and must be able to produce the packaging upon request to prove the content of the CBD product.

The odor of marijuana or any other prohibited substance may suffice to constitute a violation of the below policy.

- i. Possessing, consuming, being under the influence, or knowingly in the presence of marijuana on campus or during Berklee-sponsored events and activities.

- ii. Possessing and/or using cannabis/marijuana paraphernalia.
- iii. Possessing, consuming, or being under the influence of marijuana/THC-based CBD products.

b. Other Controlled Substances/Drugs

All student prescription medication should be stored in its original, labeled container and kept in a secure location. Any alleged violations of the controlled substances/drugs policy will result in the immediate disposal and/or confiscation of substances and the confiscation of any prohibited devices, in addition to other appropriate sanctions.

- i. Possessing, consuming, being under the influence, or knowingly in the presence of any illegal drug or controlled substance not prescribed to the user by a licensed medical professional while on or off campus.
- ii. 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.
- iii. 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.
- iv. Possessing and/or using drug paraphernalia.
- v. Manufacturing, selling, transporting, distributing, and/or engaging in the social sharing of controlled and unprescribed or illegal substances or any prohibited substances as defined above.

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 member of the community.

3. Harmful Behavior

Violations of the harmful behavior rule of conduct may include, but are not limited to:

- 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.
 - i. For purposes of this Code, self-defense is the justifiable infliction of harm upon another person to preserve oneself from imminent physical harm. Self-defense must be preventative and proportional. The harm inflicted upon the attacker may only be as much force or harm as is needed to repel the attack and extricate yourself from the altercation. It is not self-defense to participate in the fight or altercation. Failing to take advantage of an opportunity to remove oneself from the situation negates the claim of self-defense. Students who exceed reasonable force in protecting themselves will be disciplined for violating this rule even though another

person provoked the altercation. Berklee will have the discretion to recognize the need for self-defense on an incident-by-incident basis.

- b. Verbal or written abuse, threats, intimidation, coercion, or conduct that would reasonably tend to cause alarm or fear 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 and social media, etc.), or oral means.
- c. The creation, distribution, or sharing of AI-generated images, videos, or audio recordings of individuals without their explicit, informed consent.
- d. Engaging in harassment (not based on a protected characteristic) toward another individual, which is behavior 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. The behavior includes, but is not limited to, persistent verbal abuse, threats, intimidation, and coercion. For the purposes of the Code, bullying, which is intentional and repeated, or meant to be done in humor or in jest, is considered a form of harassment. 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.
- e. 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 and Title IX Policy Violations

- a. The Equity and Title IX 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. Such cases are addressed under Berklee's Equity and Title IX Policy and Process, available at berklee.edu/equity.

5. Hazing

Federal law, Massachusetts Law, and Berklee policy expressly prohibits any form of hazing, whether on or off campus, including any intentional, knowing, or reckless act, committed by a student or a group of students, whether individually or in concert, against another student, that (1) was committed in connection with an initiation into, requirement to maintain membership, affiliation with, holding office in, or maintaining membership in any student organization that is affiliated or unaffiliated with the institution; and (2) contributes to a substantial risk of physical injury, mental harm, or degradation, or causes physical injury, mental harm, or personal degradation. In Massachusetts, the specifics of the anti-hazing statute can be found in the Massachusetts General Laws, Sections 17, 18, and 19 of Chapter 269; under Federal Law, the specifics can be found in the Stop Campus Hazing Act

Violations of the hazing rule of conduct may include, but are not limited to:

- a. Engaging in any conduct, method of initiation, or requirement of continued membership into any activity or group that willfully or recklessly endangers the physical or mental health of any student or other person, regardless of location, intent, or consent of participants. Such conduct includes, but is not

limited to, whipping; beating; branding; forced calisthenics; exposure to the weather; forced consumption of food, liquor, beverages, drugs, or other substances; causing, coercing, or otherwise inducing another person to perform sexual acts; any activity that places another person in reasonable fear of bodily harm through the use of threatening words or conduct; any activity against another person that includes a criminal violation of local, State, or Federal law; any activity that induces, causes, or requires another person to perform a duty or task that involves a criminal violation of local, State, or Federal law; or any other brutal treatment or forced physical activity that is likely to adversely affect the physical health or safety of any student or other person, or that subjects a student or other person to extreme mental stress, including extended deprivation of sleep or rest or extended isolation.

- b. Condoning or encouraging acts of hazing or failing to stop an act of such behavior while it is occurring.

Under Massachusetts Law, hazing is a crime punishable by fine or imprisonment.

6. Retaliation

Berklee prohibits retaliation against any person who, in good faith, reports, assists in reporting, or participates in an investigation of possible violation of the rules of conduct.

Violations of the retaliation rule of conduct may include, but are not limited to:

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

7. Invasion of Privacy

Massachusetts law prohibits private citizens from secretly recording others, or possessing a device with the intent to secretly record, or disclosing the contents of a secret recording.

Violations of the invasion of privacy rule of conduct may include, but are not limited to:

- a. The recording, filming, photographing, viewing, transmitting, or producing the image or voice of another person without the person's knowledge and expressed consent while in an environment that is considered private or where there is a reasonable expectation of privacy. It is not a violation of this policy to record a class lecture for academic purposes if approved for an accommodation in that class based on a disability through Accessibility Resources for Students.

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. Maintaining the artistic and

educational reputation of Berklee is vital in preserving the standing of the institution with the local, national, and global community.

8. Academic Dishonesty

Instances of academic dishonesty will be adjudicated according to the policies contained in the Student Policy Handbook.

By way of example, violations of the academic dishonesty rule of conduct may include, but are not limited to:

- a. Engaging in acts of dishonesty, including, but not limited to, cheating, plagiarism, and other forms of academic dishonesty.

9. Smoking/Tobacco

In recognizing the health risks of people who smoke and the hazards of involuntary smoking to nonsmokers, it is our expectation that all members of the community comply with Berklee's commitment to a smoke-free community. In addition, the sale of tobacco products to those individuals under the age of 21 is prohibited in Massachusetts.

By way of example, violations of the smoking/tobacco rule of conduct may include, but are not limited to:

- a. The use of tobacco products in property that is owned, operated, leased, occupied, or controlled by the institution.
- b. Smoking or vaping within 25 feet of a Berklee exit, entrance, or operable window.

"Property" for purposes of this Policy includes all buildings, as well as leased or rented transportation vehicles, including buses, vans, and shuttles.

10. Disorderly Conduct

Disorderly conduct is defined as any unreasonable or reckless conduct by an individual or group that is inherently or potentially unsafe to other persons or to their real or personal property, and/or any behavior that disrupts the peace or interferes with the normal operation of the institution or Berklee-sponsored activities, including behaviors in violation of other Berklee policies.

By way of example, violations of the disorderly conduct rule may include, but are not limited to:

- a. Engaging in any behavior that disrupts the orderly conduct, processes, and functions of the institution or infringes on the rights of others' activities.
- b. Public intoxication or substance abuse that creates an unsafe environment for self and others.
- c. Disruption or obstruction of teachings and academic learning.
- d. Any act which deliberately impedes the flow of pedestrian and/or vehicular traffic.
- e. Any act that aids, abets, or causes another person to breach the peace of Berklee premises or Berklee-sponsored/related functions.

- f. Causing community disturbances, including, but not limited to, excessive or unreasonable noise, excessively large parties, or rude and abusive language or behavior.
- g. Engaging in lewd or indecent behavior, including but not limited to, public urination, public defecation, and/or deliberately and publicly exposing one's intimate body parts.

11. Complicity

A student who has knowledge of another student committing or attempting to commit a violation of the Student Code of Community Standards is advised to remove themselves from the situation. Failure to do so, when reasonable under the circumstances, may be the basis for a violation of this policy.

By way of example, violations of the complicity rule of conduct may include, but are not limited to:

- 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.

12. Obstruction of Investigation

Berklee strives to provide a fair disciplinary process for all members of the community. Obstructing this process prohibits the institution from providing fairness.

By way of example, violations of the obstruction of investigation rule of conduct may include, but are not limited to:

- a. Attempting to discourage participation in or use of the complaint/disciplinary process.
- b. Attempting to influence the impartiality of any member of the Berklee community or anyone else that is involved in an investigation, meeting, or hearing.

13. Misrepresentation/Filing False Reports

Violations of the misrepresentation/filing false reports rule of conduct may include, but are not limited to:

- a. Knowingly or willfully providing false information or statements to any representative of the institution 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.
- e. Signing contracts or authorizing payment for services on behalf of Berklee, whether individually or as part of a student club or organization.

14. Failure to Comply

Violations of the failure to comply rule of conduct may include, but are not limited to:

- a. Failure to comply with the directives of Berklee officials and their authorized agents, including, but not limited to, the directives of Public Safety; Community Standards and Conflict Resolution; Housing and Residential Education; and the Office of Equity and Title IX.

15. Fire Safety

Violations of the fire safety rule of conduct may include, but are not limited to:

- 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. Failure to evacuate buildings and follow emergency procedures issued by Public Safety, Housing and Residential Education, or local authorities/emergency personnel during a fire drill or alarm.
- c. Possessing any substance or device within Berklee facilities that could cause a fire, damage, or an explosion. Examples of this include, but are not limited to, fireworks, kerosene heaters, fuel, fuel containers for motorcycles or motor vehicles, blow torches, hoverboards, electric scooters, fragrance pots, candles, and similar burning devices.
- 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.

16. Solicitation

Violations of the solicitation rule of conduct may include, but are not limited to:

- a. Any personal, commercial, or political solicitation, sale or distribution of material, pamphlets, newsletters, or newspapers on Berklee campuses without the approval of Campus Life, Housing and Residential Education, and/or other appropriate offices.

17. Gambling

Various Massachusetts laws exist to regulate gambling and sports wagering. Berklee's prohibitions on gambling are not intended to prohibit any Berklee student from legally participating in any of these activities through regulated and licensed entities.

Violations of the gambling rule of conduct may include, but are not limited to the following activities when engaged in outside of a legally regulated and licensed entity:

- 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, 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

At all applicable times the Institution's Service and Emotional Support Animal Policies must be followed. Violations of the animals rule of conduct may include, but are not limited to, violations of the aforementioned policies, and/or:

- a. Possessing animals within residence halls, classrooms, or in administrative buildings, with the exception of service animals that accompany persons with disabilities or an approved emotional support animal in the residence halls. Those that need an emotional support animal must work with the Accessibility Resources for Students Office for approval.

19. Weapons

No firearms or dangerous weapons of any type are allowed on Berklee's campus, within any premises owned or within Berklee's control, or at Berklee-sponsored events.

Massachusetts General Law Chapter 269 Section 10, forbids anyone, not being a law enforcement officer and notwithstanding any license obtained by the person pursuant to Massachusetts General Law Chapter 140 from carrying on their person a firearm, loaded or unloaded, or other dangerous weapon in any building or grounds of any college or university without the written authorization of the board or officer in charge of said college or university. Violation may result in arrest, fine, or imprisonment.

Violations of the weapons rule of conduct may include, but are not limited to:

- 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 Berklee, or at functions sponsored by Berklee.
 - 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. This policy does not apply to lawfully obtained self-defense, chemical, pepper-based spray. An individual may carry a chemical, pepper-based 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.
- b. Possessing replica or "toy" weapons on campus, other than for use as props in official Berklee activities. Students utilizing such props must receive approval from the director of Community Standards and Conflict Resolution and Berklee Public Safety, and follow departmental procedures for proper transport and storage. Failure to properly secure and transport a prop weapon is also a

violation of this policy. At no time can a real weapon be used in any capacity during a Berklee production.

- c. Possessing on-campus component parts that can readily be assembled into a weapon.

20. Abuse of Berklee Resources

Demonstrating a lack of regard for Berklee regulations or policies may constitute abuse of Berklee resources.

By way of example, violations of the abuse of Berklee resources rule of conduct may include, but are not limited to:

- a. Excessively locking oneself out of their residence, abusing printing privileges, and/or failing to consistently carry one's Berklee ID on their person.
- b. Charging and/or monetizing Berklee spaces and/or equipment for personal gain. This includes, but is not limited to, charging for lessons, rehearsals, recordings, or performances that take place within Berklee facilities.

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

Violations of the unauthorized entry rule of conduct may include, but are not limited to:

- a. Unauthorized entry or attempt to enter any Berklee facility or portion thereof, or unauthorized use or abuse of any Berklee building, facility, or premise.
- b. Unauthorized presence of a student on the roof of any building at any time, unless authorized by professional Berklee staff acting in the performance and scope of their duties.
- c. Unauthorized possession, duplication, or use of any Berklee facility key. This includes unauthorized use/misuse of card access. Only professional Berklee staff acting in the performance and scope of their duties may authorize use of Berklee keys/access.
- d. Unauthorized entry into any space on or off-campus where an individual is not legally or otherwise permitted to be present.

22. Theft

Violations of the theft rule of conduct may include, but are not limited to:

- a. Attempted or actual theft of property of Berklee, the Berklee community, or other personal or public property. This includes physical or digital theft of services on Berklee premises.
- b. Knowingly possessing stolen property.

23. Property Damage

Violations of the property damage rule of conduct may include, but are not limited to:

- a. Attempted or actual vandalism, damage, or destruction of property of the institution, community, or other personal or public property.

24. Vehicles

Violations of the vehicles rule of conduct may include, but are not limited to:

- a. Possessing bicycles or electric scooters within Berklee buildings. These forms of personal conveyance must be kept outside the building in the approved designated areas (e.g., Bicycle Pavilion).
- b. Using boards (e.g., skateboards, longboards, etc.) of any kind and/or fold-up scooters within Berklee buildings.
- c. Operation or parking of vehicles in unauthorized spaces, restricted areas, and non-designated parking spaces.

25. Technology Resources

By way of example, violations of the technology resources rule of conduct may include, but are not limited to:

- a. Sending abusive or unwanted material causing the work or experience of others to be disrupted.
- b. Copying files without permission.
- c. Copying passwords belonging to others.
- d. Anonymous or pseudo-anonymous communications that appear to dissociate oneself from responsibility for one's actions.
- e. 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.
- f. Use of resources for unlawful purposes or for use not specifically permitted by the institution, or assisting another in such use.
- g. Targeting another person or organization to cause distress, embarrassment, injury, unwanted attention, or other substantial discomfort.
- h. Transmitting through or posting on any online network sexually explicit images or any other content the institution deems to be offensive.
- i. 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.

- j. Unauthorized possession or transmission of copyrighted or other proprietary content.
- k. Use of any symbol, logo, or graphic used by or associated with Berklee for personal use.

General Provisions

26. Institutional Policies

Violation of the institutional policies rule of conduct may include, but are not limited to:

- a. Violations of published institutional policies, procedures, regulations, or rules. Such regulations include, but are not limited to, information in the Housing Contract, Summer Programs handbooks, and Student Policy Handbook.

27. Institutional Housing Policies

Violation of the institutional housing policies rule of conduct may include, but are not limited to:

- a. Failure to abide by the proper procedures listed on the Housing and Residential Education website 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 and Residential Education website at **berklee.edu/housing-and-residential-education**.
- 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 the Housing and Residential Education website.
- e. Engaging in noise violations. This includes, but is not limited to, playing amplified music loud enough to be heard outside one's room, shouting out windows, violating established quiet and courtesy hours, 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.
- g. Engaging in hall sports in the residence halls.
- h. Defacing, tampering with, or removing hall decorations, bulletin boards, or signage placed in the residence hall by Berklee staff.

28. Federal, State, and Local Laws

Berklee prohibits the violation of any federal, state, and/or local laws, whether on or off-campus.

SECTION IV:

Standard of Evidence

A “preponderance of the evidence” standard will serve as the standard of evidence used in disciplinary decision-making (i.e., it is “more likely than not” that the responding 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 and Conflict Resolution.

SECTION V:

Disciplinary Procedures

1. Authority

- a. The director of Community Standards and Conflict Resolution 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 and Conflict Resolution shall develop policies for the administration of the conduct program and procedural rules for the conduct of hearings that 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 appeal process.

2. Applicability

- a. The policies outlined in the Student Code of Community Standards apply to all Berklee students, regardless of whether they live on campus or off campus.
- b. Students are responsible for the contents of their rooms, cars, lockers, studio space, electronic devices or person regardless of claims of personal ownership. Students may also be held responsible for shared common areas.
- c. 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 Institution/Off-Campus Conduct

- a. Student behavior occurring off campus that allegedly violates the Code of Community Standards, Berklee policy, local, state, federal, or host country laws, and that could negatively affect the educational mission of Berklee or its relationship with the surrounding community may subject students to disciplinary action.
- b. Berklee 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 institution, or results in a criminal charge. The circumstances of the case shall be reviewed by the Office of Community Standards and Conflict Resolution 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 institution, for acts that constitute violations of law and of the Student Code of Community Standards. Although the institution may choose to withhold adjudication pending further investigation or resolution of civil or criminal charges, disciplinary action at the institution may proceed concurrently with these civil or criminal proceedings. Disciplinary proceedings 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 institution 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 report an incident of alleged violations or concerns about any student to the Office of Community Standards and Conflict Resolution, Public Safety, or the Division of Student Life. Such information shall be submitted as soon as possible after the incident takes place. Incident reports are reviewed by the Office of Community Standards and Conflict Resolution, which makes the determination of possible next steps, including additional investigation; the provision of resources, care, and support; the pursuit of any alleged violations; and/or the creation of an educational meeting or follow-up letter. The Office of Community Standards and Conflict Resolution staff will consider a complainant's preferences as to how a complaint is handled, but ultimately maintains discretion in determining whether a complaint will result in alleged violations. If the complaint does not appear on its face to contain a policy violation(s), the complaint does not generally proceed to a disciplinary process. To report an incident, visit: berklee.edu/community-standards or email communitystandards@berklee.edu.

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 Berklee regulations by officially recognized student organizations also are handled by the Office of Community Standards and Conflict Resolution.
- c. The Office of Community Standards and Conflict Resolution shall make every effort to have student misconduct matters considered as expeditiously as possible in order to remove any question of a student's continuance at the

institution. The Office of Community Standards and Conflict Resolution will secure all available information concerning the alleged misconduct to determine if the alleged violations have merit.

- d. Prior to adjudication, the Office of Community Standards and Conflict Resolution 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 and Conflict Resolution, lack of such restrictions or parameters may lead to disruption of the residential or Berklee community.
- e. If the student withdraws from the institution or is no longer an active student, reentry shall not occur until all cases are resolved.
- f. The Office of Community Standards and Conflict Resolution shall communicate the alleged violations to the student via their Berklee email account. Notices of alleged violations will include a scheduled hearing appointment.

6. 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 responding student's hearing shall be open only to the responding student, their advisor, the conduct officer, witnesses (when called upon by the conduct officer), and a representative from the Office of Community Standards and Conflict Resolution.
 - 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 and Conflict Resolution process or potential violation. Although 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. Berklee reserves the right to remove an advisor from any proceeding should these expectations and guidelines be violated.
 - 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 right to prepare a written statement concerning the alleged violation to be shared at the time of the hearing.
 - vii. The responding 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 nonconfidential 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 and Conflict Resolution. 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 parties involved will review the materials at the Office of Community Standards and Conflict Resolution or prior to the start of the Community Standards and Conflict Resolution meeting.
- ix. Students may not access documents not included in their case file, demand access to individuals, or compel witnesses to participate in the conduct process.
- 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 and Conflict Resolution has, in good faith, exhausted all reasonable efforts to schedule a hearing, the Office of Community Standards and Conflict Resolution, 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. The outcome may also be shared with Berklee employees who have a legitimate need to know, and/or as required by law to the complaining party.
- e. If it is determined that a violation occurred, a student's prior record (legal or disciplinary) may be considered in determining appropriate sanctions.
- 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 institution and may result in further disciplinary action and a restriction 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 institution must work directly with the Financial Aid Office to understand the effect on aid and scholarships.

- i. Any international student who is suspended or separated from the institution must work directly with the International Student Services Office regarding the impact on their visa status.
- j. Parties to student conduct matters may request reasonable accommodations for disabilities at any point before or during the disciplinary process that do not fundamentally alter the process. Student requests for accommodations should be directed to the Accessibility Resources for Students office (berklee.edu/accessibility-resources).

7. Conflict Resolution

Conflict resolution may be used for incidents that are less severe, persistent, and/or pervasive in which all principal parties express a willingness to participate in a conflict resolution process. Conflict resolution processes, such as mediation, are alternatives to the formal disciplinary procedures outlined above. The director of Community Standards and Conflict Resolution will determine if conflict resolution is appropriate based on the willingness of the parties, the nature of the conduct at issue, and the susceptibility of the conduct to conflict resolution. In a conflict resolution process, an individual designated by the director of Community Standards and Conflict Resolution will facilitate a communication with the parties to an effective resolution, if possible. Sanctions are not possible as the result of a conflict resolution process, though the parties may agree to appropriate remedies, in which case the report is resolved. The Office of Community Standards and Conflict Resolution will keep records of any resolution that is reached. Conflict resolution will not be used to address complaints of violence or in other cases of serious violations of policy. Anyone participating in conflict resolution can stop that process at any time and request a formal process. The results of conflict resolution are not subject to appeal.

SECTION VI:

Appeals

- a. Students have the right to appeal decisions reached by the Office of Community Standards and Conflict Resolution. The student shall adhere to the following stipulations:
 - i. Appeal requests shall be made in writing to the Office of Community Standards and Conflict Resolution via the online appeal form within five business days of the decision being sent.
 - ii. Appeals will be heard solely on the following grounds:
 - 1. New evidence that was not reasonably available at the time the determination regarding responsibility was made, that could affect the outcome of the matter;
 - 2. Procedural irregularity that affected the outcome of the matter;
 - 3. The sanction is disproportionate to the violation for which the student was found responsible.

- b. Upon receipt of the appeal, the request will be evaluated by an appeal officer. The appeal officer is not intended to conduct a full review of the case. This is not an opportunity for the appeal officer to substitute their judgment for that of the original conduct officer. The appeal officer may speak to the conduct officer who made the decision, as well as the responding student. The appeal officer may determine an outcome based on the information provided in the appeal without further action of the student(s) involved.
- c. Appeal officers may:
 - i. Affirm the original decision(s);
 - ii. Modify/reverse the original decision(s) and/or sanction(s); or
 - iii. Remand the matter back to the original or new conduct officer to address the appealed aspects of the case.
- d. Decisions in appeal hearings shall be the final determinant of policy violations.
- e. Sanctions will not go into effect until after the appeal period has concluded, either on the date that Berklee provides the responding student with the written determination of the result of any appeal, or, if no appeal is submitted, the date on which an appeal would no longer be considered timely. Students may continue to attend classes and access Berklee facilities unless interim action has been implemented.
- f. Students are expected to uphold the Student Code of Community Standards at all times. Any alleged violation(s) of the Student Code of Community Standards that occur while an appeal is pending may result in more severe sanctions and/or immediate interim action pending investigation and resolution.
- g. Appeals shall be heard by designated appellate officers identified by the Office of Community Standards and Conflict Resolution.

SECTION VII:

Sanctions and Administrative Actions

It is important for students to know that our system aims to be educational and developmental. It is, however, important for students to recognize that there are 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 and take individual and community responsibility into consideration. Sanctions aim not only to deter repeat offenses but also to encourage the student to learn and grow from the experience. This list is not all inclusive of the potential educational sanctions a student may be assigned.

- a. Brief Alcohol Screening and Intervention for College Students (BASICS) comprises two brief sessions, created specifically for college students, that address a student's alcohol or other drug use. The goals are selected by the student and aimed at reducing risky behavior and potentially 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.
- b. The 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.
- c. Referrals are recommendations to internal and external resources and offices that can serve as support and/or educational experiences.
- d. A Letter of Apology is a personal communication from the student outlining involvement in a situation, showing personal responsibility, and reflecting a commitment not to duplicate the initial violation.
- e. A Check-In/Success Meeting between the student and a selected staff member provides updates on personal goals/growth, reflection on the incident, and current status.
- f. 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.
- g. Reflection/Research Papers may be assigned as an opportunity for the student to reflect upon and/or research topics related to the incident. Topics may include, but are not limited to, general reflection; impact on others; impact on the future; research of Berklee policies and local, state, or federal laws; and interviews.
- h. Community Restitution consists of a designated number of service hours the student must complete by volunteering with the Berklee and/or local community.

2. Disciplinary Sanctions

The below listed items are status-level sanctions placed on a student as a result of their 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 institution for disciplinary reasons and has 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 institution 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 institution with no reimbursement of fees or tuition. A student who receives a Disciplinary Warning maintains good

disciplinary standing (barring any prior disciplinary history that would place the student in a different disciplinary status).

- b. **Disciplinary Probation:** Probationary status means that if the student violates any policies of the institution or exhibits behavior prohibited by the institution, they may face more serious disciplinary sanctions, including immediate dismissal from the institution with no reimbursement of fees or tuition. Students seeking to study abroad and/or participate in certain leadership, student engagement, and travel opportunities must be deemed in good standing and cleared by the Office of Community Standards and Conflict Resolution. Probationary status may restrict one's ability to pursue and engage in such opportunities.
- c. **Disciplinary Suspension:** Suspension bars the student from participating in any Berklee classes, activities, or Berklee-sponsored events during the term of suspension. After suspension has been served, the student will be able to return to the institution, contingent upon certain conditions, such as being placed on disciplinary probation.
- d. **Expulsion:** This means termination of the student's enrollment and permanent separation of the student from the institution. Students expelled from the institution are not permitted to enter any Berklee facility or be on any Berklee property. Violators of this sanction could be subject to arrest for trespassing. This sanction also includes the same restrictions listed in Disciplinary Suspension.

In addition to the above status-level sanctions, the following disciplinary sanctions can be implemented:

- e. **Fines:** This includes 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:** This means a denial of specific privileges for a definite period of time. Restrictions will be clearly defined.
- g. **Housing Privilege Warning:** This status indicates that the resident's status in Berklee housing is now in jeopardy. 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.

3. Administrative Actions

The below listed actions are administrative decisions that may be made 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:** This is an agreement between a student and the institution that defines expected behavior and unacceptable behavior, consequences for breaking the agreement, and resources for the student's success while at Berklee.

- b. **Confiscation:** This means the removal of items possessed in violation of the Student Code of Community Standards.
- c. **Restriction:** This 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, and grades, and prevent them from participating in other Berklee activities, including graduation.
- d. **Required Housing Relocation:** This sanction, made in consultation with Housing and Residential Education, reassigns a resident's living unit within campus housing to another assignment. The student may in addition be prohibited from returning to the residential area associated with their former living unit.
- e. **Parental/Guardian Notification:** The Family Educational Rights and Privacy Act (FERPA) allows institutions to notify parents/guardians when students violate student conduct codes pertaining to the use or possession of alcohol or a controlled substance. While Berklee respects student privacy, it will exercise its right to notify parents/guardians when its policies regarding 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 their success at Berklee. The institution reserves the right to contact parents/guardians in other circumstances. It is in students' best interest to contact parents/guardians first, when possible. The full parental notification policy is set forth in Section IX: Additional Policies and Procedures.
- f. **No-Contact Orders:** These are administrative directives put in place to limit the in-person and digital interactions between individuals as a means of separating them so that the institution is better able to control possible information sharing, which can distort the recollection of events pertaining to an alleged violation; separate individuals from physically or mentally/ emotionally endangering situations; and provide time to further investigate incidents.
- g. **Interim Suspension:** When the Director of Community Standards or designee or a member of the Student Life Executive Leadership team has reasonable cause to believe that the student's presence on Berklee's campus or at a Berklee-related or registered student organization activity poses a significant risk of substantial harm to the safety or security of themselves, others, or to property, the student may be immediately suspended from all or any portion of Berklee's campus, Berklee-related activities or registered student organization activities.

During interim suspension, the student may be denied access to on-campus housing and/or the campus (including classes) and/or all other Berklee activities or privileges that are determined to be appropriate.

SECTION VIII:

Disciplinary Files and Records

- a. Case referrals may result in the development of a disciplinary file in the name of the student alleged. Disciplinary records are not typically considered part of a student's academic record, though they will typically appear in a student's overall educational record. Nonetheless, certain administrative actions (such as placing a restriction on a student's account) may appear in an academic record. However, other than suspension or expulsion, such actions are not typically notated on a student's transcript or considered reportable outside the college.
- b. 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 and Conflict Resolution for a minimum of seven years from the date of the sanction or four years after the student's graduation from Berklee—whichever comes first. Records shall be kept in a secured file and subject to limited access by the Office of Community Standards and Conflict Resolution. 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.
- c. 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 institution does not assume responsibility for making available these materials in advance of the hearing, but will attempt to provide access to the materials once it receives the written request.
- d. 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.
- e. Students may be accountable to both civil and criminal authorities, in addition to the institution, for acts which constitute violations of law and the Student Code of Community Standards. Berklee 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 Berklee disciplinary records, and the record will remain on file per the institution's records-retention policy. This is designed to maintain the integrity of Berklee's records and ensure compliance with all federal reporting guidelines.

SECTION IX:

Additional Policies and Procedures

1. Medical Amnesty Policy

- a. Berklee stresses the importance of students' safety and wellbeing. 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. As such, the institution seeks to avoid situations in which a student requiring medical attention refrains from contacting emergency services because of the potential risk of reprimand and disciplinary consequences. Berklee understands that this inaction can severely threaten the life of the endangered student. In an effort to advance individual health and wellness, a core value of Berklee, and provide a healthful working environment for every Berklee student, the following medical amnesty policy is in effect:

- i. In cases of intoxication or other medical emergency due to use 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 through 911, Berklee Public Safety (617-747-8888), or a Berklee staff member for themselves or a friend/acquaintance who is experiencing a medical emergency.
- ii. **A student who calls for medical assistance for themselves, or for whom medical treatment is sought by a friend/acquaintance, for an alcohol- or other drug-related emergency will not be subject to Berklee's disciplinary process for the sole violation of using or possessing alcohol or drugs. In addition, students seeking help for a dangerously intoxicated or incapacitated student will not be subject to the institution'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 Office of Community Standards and Conflict Resolution or designee to be eligible for amnesty protection.
- iv. Amnesty also applies to equity cases. For more information on the equity policy, visit berklee.edu/equity.
- v. This policy applies only to those students who seek medical assistance, or for whom medical assistance was sought by a friend/acquaintance, in connection with an alcohol- or drug-related medical emergency. This policy does not apply to students experiencing an alcohol- or drug-related medical emergency who happen to be found by any Berklee employee (including residence hall staff).
- vi. The Office of Community Standards and Conflict Resolution reserves the right to contact any student to discuss an incident, whether or not this medical amnesty policy is implicated.
- vii. 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 Berklee 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 have occurred.

- viii. The medical amnesty policy covers the institution's conduct process only. It does not provide protection from the legal consequences of underage or excessive drinking. ix. The Office of Community Standards and Conflict Resolution reserves the right to deny medical amnesty when instances of alcohol- or other drug-related emergencies persist.

2. Parental Notification Policy

- a. The Family Educational Rights and Privacy Act (FERPA) allows the institution 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 Berklee respects student privacy, it will exercise its right to notify parents/guardians when its 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 Berklee policy regarding public intoxication.
 - iii. The student has been found responsible for violation of the institution's controlled substances policy.
- b. At the discretion of the associate vice president and dean of student life or their designee, the institution also reserves the right to contact the parent of any student, regardless of age, when:
 - i. The student has been arrested for violation of a local, state, or federal law.
 - ii. The student has been hospitalized for any reason.
 - iii. The student engages in behavior that endangers the health, safety, or success of themselves 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 associate vice president and dean of student life or their designee.

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

Division of Student Life, and the Office of Community Standards and Conflict Resolution. Such requests should be submitted in writing at least three weeks prior to the beginning of the semester for which readmission is being requested.

- b. 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 and Conflict Resolution.

For questions about this Student Code of Community Standards document, please contact the Office of Community Standards and Conflict Resolution at **communitystandards@berklee.edu**.

Flowchart



