



Code of Student Conduct

2012 – 2013

Code of Student Conduct Trustee Doc. #T-95-095A.

Acting upon the authority granted to it by the provisions of Chapter 75 of the General Laws, the Board of Trustees adopts the policies and procedures herein contained which govern the conduct of students.

I. PREFACE.

A. This Code of Student Conduct (CSC) is applicable to any student enrolled in or accepted for an academic course or program, regardless of credits carried. The CSC also applies to any fraternities, sororities and Registered Student Organizations.

B. The University has established these regulations regarding standards of conduct and scholarship in order to protect its educational purpose, provide for the orderly conduct of its activities, and safeguard the interests of the University community.

Students are adults, capable of making their own decisions, as well as accepting the consequences for those decisions. Except in very limited circumstances, it is the student who notifies the parent (s) or self-selected third parties about a pending case. If a student decides to include a concerned third party in the conduct process, the Dean of Students office will be responsive to the inquiry, but the student must ultimately reply to the meeting request and forthrightly participate in our process. Conversations are between the University and its students.

C. Because the functions of a university depend on honesty, integrity and civility among its members, the University of Massachusetts expects a higher standard of conduct than the minimum required to avoid disciplinary action from its students. Likewise, while many of the University's standards of conduct parallel the laws of society in general, university standards also may be set higher and more stringently than those found elsewhere in society. The University does not ascribe to the rules of evidence or standard of proof found in criminal or civil proceedings, nor does it inquire into civil or criminal proceedings without first obtaining the expressed consent of students involved. In that spirit, the administrators of the Code of Conduct will revert to an educational response up to and including suspension and expulsion to preserve UMass' living and learning environment.

D. The regulations contained in the CSC apply to student conduct which occurs at the University of Massachusetts Amherst or on the grounds of the other four colleges within the Five College Consortium (Smith College, Amherst College, Hampshire College, Mount Holyoke College) or at any event sponsored by any of these institutions, and apply to violations of the law or acts of misconduct which occur in other locations when the behavior distinctly and directly affects the University community.

E. Students who violate these or other duly established regulations become subject to disciplinary action and the procedures described herein.

F. Students may be accountable to both civil authorities and to the University for acts which constitute violations of law and of the CSC. Disciplinary action at the University will normally proceed during the pendency of criminal proceedings and will not be subject to challenge on the ground that criminal charges involving the same incident have been dismissed

or reduced. When a student has been charged by a civil authority for a violation of law, the University will neither request nor agree to special consideration for the student solely because of his or her status as a student.

G. These regulations at the University are set forth in writing in order to give students general notice of prohibited conduct. The regulations should be read broadly and are not designed to define misconduct in exhaustive terms.

H. The provisions of the CSC are not to be regarded as a contract between the student and the University. The University also reserves the right to amend any provision herein at any time. The University will publish such amendments in relevant campus publications.

I. The burden of proof shall at all times rest upon the complainant. The standards of proof for deciding a matter shall be by a preponderance of the evidence. A student may request from the Dean of Students Office a written rationale for a conduct decision including how evidence was weighed and interpreted.

J. When the outcome of a disciplinary action is suspension from the university, a restriction will be placed prohibiting the student from performing any registration transactions during the period of suspension. The restriction will not be removed, and the student will not be allowed to perform registration transactions, until the stated period of suspension has expired and all disciplinary obligations are met.

K. Administrative holds affecting registration transactions and the posting of a degree may be placed when students fail to fulfill terms of their disciplinary obligations. Such situations may include failure to respond to a written notice indicating a required appointment with a designated university disciplinary official and failure to complete disciplinary sanctions by an established deadline.

L. The status of a student in most instances will not be altered and disciplinary sanctions are not initiated until completion of an initial review or an appeal, if any.

M. Any behavior which may have been influenced by a student's mental state (irrespective of the ultimate evaluation), or voluntary use of drugs or alcoholic beverages shall not in any way limit the responsibility of the student for the consequences of his or her actions.

N. The University will neither assume responsibility for, nor act in the collection of, privately incurred debts involving students.

O. A business day is defined as a day when University administrative offices are open.

II. REGULATIONS FOR STUDENT CONDUCT AND SCHOLARSHIP.

A. PERSONAL IDENTIFICATION AND REPRESENTATION.

The following shall constitute violations of the CSC:

1. Academic dishonesty, which includes but is not limited to:

- a. Cheating - intentional use, and/or attempted use of trickery, artifice, deception, fraud and/or misrepresentation of one's academic work;
 - b. Fabrication - intentional and unauthorized falsification and/or invention of any information or citation in any academic exercise;
 - c. Facilitating dishonesty - knowingly helping or attempting to help another commit an act of academic dishonesty, including students who substitute for other persons in examinations or represent, as their own, papers, reports, or the academic works of others;
 - d. Plagiarism - knowingly representing the words or ideas of another as one's own work in any academic exercise;
 - e. Submitting, in whole or in part, prewritten term papers of another or the research of another, including but not limited to commercial vendors who sell or distribute such materials.
2. Representing one's self as another person with or without that person's permission, or representing one's self improperly, and not by error, as any other member of the community.
 3. Representing the University, any Registered Student Organization or chartered group, or any official University group without the explicit prior consent of the officials of that group.
 4. No student group may represent itself as acting for or on behalf of the University in any commercial enterprise or in the solicitation or collection of funds for any purpose whatsoever without approval in advance by the appropriate University agency. (This applies to all means of communication including, but not limited to, mail, telephone, or other means.)
 5. Tampering with or falsifying any University records, official documents, computer files, storage units, terminals or programs which contain electronic records, or student discipline records. (Knowingly submitting false information for inclusion into these records is interpreted as tampering with the official record system. Health Service records are herein included.)
 6. Unauthorized accessing of the records of any individual, whether such access is obtained through paper records, computer files or systems, where such information is protected by the University regulations concerning privacy and confidentiality.
 7. Dishonesty or misrepresentation, either orally or in writing, regarding charges brought under the CSC before hearing boards or officials of the University. This shall not include a denial of the charge(s) by a student under Part IV.E.3.
 8. Refusal to identify one's self to any properly identified (by name and position) member of the University staff (including the staffs of the dining commons, Dean of Students Office, Residential Life, Student Activities Office, and the Campus Center Management), acting in performance of their duties, when appropriately requested to do so. The preferred form of identification shall be a current, valid University Identification Card.
 9. Altering, improperly possessing, or lending a University Identification Card to another person for any reason not expressly authorized by the University. A University Identification Card falling into any of these categories may be confiscated by any student, staff or faculty member in the course of his/her charged work responsibilities.
 10. Misrepresentation. This includes, but is not limited to, misuse of purchasing authority, accepting unearned funds, and submitting false time sheets.

B. CIVILITY, SAFETY, AND ENVIRONMENTAL HEALTH.

The University has special concern for incidents in which individuals or groups are subject to physical assault, harassment, threats, intimidation, or coercion because of membership or perceived membership in a particular racial, religious, gender, gender identify, gender expression, or sexual orientation group, color, national origin, disability or veteran status.

The following shall constitute violations of the CSC:

1. **Physical Assault:** Physical Assault includes physical attack upon or physical interference with a person which prevents the person from conducting his or her customary or usual affairs, puts the person in fear for his or her physical safety, or causes the person to suffer actual physical injury including hitting, kicking, spitting, or biting.
2. **Harassment:** Harassment is defined as repeated use by one or more students of a written, verbal, or electronic expression or a physical act or gesture, or any combination thereof, directed at a person that places that person to be in fear for his or her physical safety.
3. **Sexual harassment:** Unwelcomed sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when: 1) submission to or rejection of such conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic work; or 2) submission to or rejection of such conduct by an individual is used as the basis for employment or academic decisions affecting such individual; or 3) such conduct has the purpose or effect of unreasonably interfering with an individual's performance or creating an intimidating, hostile or sexually offensive working or academic environment.

Examples of sexual harassment include, but are not limited to the following behaviors when they are unwelcome or unwanted:

- repeated sexual flirtations, advances or propositions;
 - continued or repeated verbal abuse or innuendo of a sexual nature;
 - uninvited physical contact such as touching, hugging, patting, brushing or pinching;
 - verbal comments of a sexual nature about an individual's body or sexual terms used to describe an individual;
 - display of pictures, posters or cartoons that a reasonable person would find offensive or sexually suggestive;
 - continued or repeated jokes, language, epithets or remarks of a sexual nature;
 - prolonged staring or leering;
 - making obscene gestures or suggestive or insulting sounds;
 - demand for sexual favors accompanied by an implied or overt threat concerning an individual's employment or academic status or promises of preferential treatment;
 - indecent exposure.
4. **Sexual misconduct:** Sexual misconduct is defined as
 - (a) Engaging in a sexual act with another person:

- by forcing the other person to participate in a sexual act without consent or by threatening or coercing the other person, or
 - by placing the other person in fear that any person will suffer imminent bodily injury, or
 - having substantially impaired the ability of the other person to appraise or control their own conduct by administering or employing alcohol or other drugs without the knowledge or against the will of the other person.
- (b) Engaging in a sexual act with another person when that other person:
- is incapable of understanding, or for any reason including intoxication, is unaware of the sexual act, or
 - is physically incapable of resisting or communicating either consent or unwillingness to participate, or
 - is under the age of 16.

Sexual act is defined as:

- any intentional sexual touching (including anal, oral, and vaginal penetration), however slight, with an object or body part without consent.

Consent is defined as:

- informed, freely, and actively given, mutually understandable words or actions which indicate a willingness to participate in mutually agreed upon sexual activity.

Consent may be withdrawn. Consent may never be given by minors (in Massachusetts, those not yet 16 years of age), persons not legally competent to make their own decisions, and those who are incapacitated as a result of alcohol or other drug consumption (voluntary or involuntary), or those who are unconscious, unaware or otherwise physically helpless, or in need of medical attention as a result of alcohol consumption or any other cause. Agreeing to a sexual act as a result of coercion, intimidation, threat of force, or force is not consent.

5. Hazing: Hazing, which includes but is not limited to any conduct or method of initiation into any student organization, whether on public or private property, which willfully or recklessly endangers the physical or mental health of any student or other person, such as extended deprivation of sleep or rest, forced consumption of food, liquor, beverage, or drugs, beating or branding.
6. Alcohol - alcohol manufacture, distribution, dispensing, possession, use or sale of, or the attempted manufacture, distribution, dispensing or sale of alcohol which is unlawful or otherwise prohibited by or not in compliance with any University policy or campus regulations or being unable to exercise care for one's own safety because one is under the influence of alcohol. This provision shall not apply to circumstances in which the person under the influence was given alcohol without his or her knowledge and permission or if a referral meets the requirements as outlined in the University's medical amnesty policy.
7. Controlled Substance - Unlawful manufacture, distribution, dispensing, possession, use or sale of or the attempted manufacture, distribution, dispensing or sale of controlled substances identified in Federal or State law or regulation or being unable to exercise care for one's own safety because one is under the influence of controlled

- substances. This provision shall not apply to circumstances in which the person under the influence was given a controlled substance.
8. The improper use, possession or the purpose of sale, or distribution of any controlled substance, as defined in Mass. G.L. c. 94C, Section 31 et.
 9. The improper possession of any controlled substance, as defined in Mass. G.L. c. 94C, Section et seq.
 10. Possession of drug paraphernalia as defined in Mass. G.L. c. 94 Section 32; this includes objects used or primarily intended for use or designed for use in ingesting, inhaling, or otherwise introducing marijuana, cocaine, hashish or hashish oil into the human body, including but not limited to pipes, water pipes, bongs, roach clips, and vials. Determination of whether an item is drug paraphernalia will be made by considering all relevant facts, including but not limited to, the proximity of the item to controlled substances.
 11. The unauthorized possession of a hypodermic syringe, hypodermic needle, or any instrument adapted for the administration of controlled substances by injection, as provided by Mass. G.L. c. 94C, Section 27.
 12. A willful interruption or disturbance ("prohibited activity") of the day-to-day conduct of the business of the University, by person or persons. Demonstrations and actions which violate the University of Massachusetts Amherst Picketing Code are examples of a "prohibited activity."
 13. Failure to comply with the directions of University officials acting in performance of their duties.
 14. Possession or use of fireworks, firearms, or other hazardous or dangerous weapons, including, but not limited to, facsimiles of weapons that might be construed to be capable of or are capable of firing projectiles of any kind.
 15. False reports of fire or other dangerous conditions, failure to report a fire properly, or any interference with the response of University or Town officials to such emergency calls, unless it results from reasonable error or accident.
 16. The creation of a fire hazard, the improper use of electrical appliances or the improper use or possession of inflammable or hazardous substances.
 17. Endangering Behavior which includes but is not limited to:
 - a. Endangering the safety of persons (self or others) or property, or any action that might lead to loss of life or serious physical harm to others, including but not limited to throwing or dropping objects from buildings, tampering with or damaging elevator equipment or other machinery, damaging or removing a fire extinguisher or any part of a fire alarm, and snowball fights which involve other than willing participants.
 - b. Engaging with others in, or inciting others to engage in, harmful or destructive behavior, in the context of a group of persons disturbing the peace. Specific behaviors may include but are not limited to using violence or threatening violence to others, damaging or destroying property, stealing or looting, setting fires, throwing bottles or other projectiles, impeding or impairing emergency personnel services or equipment, obstructing traffic, refusing to leave when asked by an authorized person, or otherwise engaging in any action that might lead to intentionally or recklessly harming or endangering the physical safety or property of another.
 18. Failure to evacuate any University building after a fire alarm has sounded, or other notice has been given.

19. Shoplifting in any University retail unit (e.g., University Store, Textbook Annex, Mini Store, Food Services Facility, etc.).
20. Violations of University policies and regulations, including but not limited to, the Alcoholic Beverage and Smoke-Free policies.
21. Failure to comply with any authorized CSC sanction(s).
22. Any act chargeable as a violation of local, state or federal law may be charged as a violation of a relevant section of the University Student Conduct Code, whether or not charges are brought by civil authorities, when such act(s) occur on university premises, or at university sponsored activities or events, or when such conduct distinctly and directly affects the university community and/or the pursuit of its objectives.

C. CARE OF PROPERTY.

Property is defined as belongings, equipment, or materials. In addition, property may include the belongings, equipment or materials produced, owned or in possession of students, faculty, staff, guests, vendors, contractors or members of the community.

The following shall constitute violations of the CSC concerning property:

1. Theft, unauthorized possession, use, removal of, defacing, or tampering with property, or damage to or destruction of such property.
2. Unauthorized presence in or use of University premises, facilities or property.

University property that is damaged or removed and not returned will be billed to the individual or group responsible for such damage at the standard rate established by the University for repair and replacement.

D. RESIDENCE HALL POLICIES.

Please refer to the Residential Life website for a listing of all residence hall policies. www.housing.umass.edu.

III. HEARING BOARDS.

The University shall establish appropriate Hearing Boards to conduct hearings concerning alleged violations of the CSC. Appointments to Disciplinary Hearing Boards are made by the Vice Chancellor for Student Affairs or his or her designee(s).

A. A Disciplinary Hearing Board, composed of University employees and student(s), shall have not fewer than three, nor more than five members. Before appointing the student members of the Hearing Board, the Dean of Students shall solicit recommendations from the SGA, Residence Hall Association and GSS. The Dean of Students Office shall take affirmative steps to appoint diverse and representative Boards. The Dean of Students Office will be responsible for ensuring all Hearing Board members attend a training program that includes but is not limited to specialized training in addressing sexual assault and bias related incidents.

B. Pursuant to Section IV.B.2.c.1 of the CSC, the Dean of Students or his or her designee(s) may conduct sanction hearings.

C. For Academic Honesty Board membership and procedures, see Academic Honesty Policy and Appeal procedures.

IV. GENERAL PROCEDURES REGARDING DISCIPLINARY ACTION.

A. At the request of any student, faculty or staff member or independently, the University may file appropriate charges against the accused student(s), provided that a complaint is filed no later than three months after discovery of the alleged violation and the identity of the student(s) involved by the victim. Charges may be filed by the University no later than four months after notification of the alleged violation. If a student has withdrawn or withdraws after the filing of such charges, a registration hold may be placed on the student's academic record and the University may proceed to resolve the disciplinary action.

B. Upon the filing of charges, the charged student(s) will receive a Notice of Charge and will have at least forty-eight hours to request a Disciplinary Conference, at which time the nature of and the responsibility for an alleged offense is discussed. The student(s) will also be advised of their options to resolve the matter:

1. Warning Letter

The University may provide notice to a student that her or his alleged behavior may have violated University policy or campus regulations and if repeated such behavior may be subject to the disciplinary process.

2. Insufficient Information

If the University using the preponderance of standard concludes that there is insufficient information to find the student responsible, the case will not be referred to a hearing board for resolution, but closed with a 'Not Responsible' finding.

3. For minor violations, the following outcomes may occur:

- a. If a student does not respond to a Notice of Charge, the student will receive an inabsentia finding.
- b. A sanction may be imposed following the Disciplinary Conference.
- c. The student could be found not responsible for the charges by the designated University official.
- d. There is no appeal for minor violations.

4. For repeated violations and/or more serious infractions:

- a. Failure to respond to a Notice of Charge within four business days may result in the case being referred to a Hearing Board;
- b. If the facts and sanction(s) concerning the charges can be agreed upon by the staff member and the charged student(s), an Administrative Agreement may be signed by both. A signed Administrative Agreement shall constitute acceptance of the sanction(s) and a waiver of the right to a hearing or appeal;
- c. If an Administrative Agreement is not signed, the following may occur:
 1. if the facts are agreed upon and the Administrative agreement is not signed, a student can elect to have a sanction hearing before the Dean of Students or his or her designee(s).
 2. the matter shall be referred to the Hearing Board;
- d. A charged student may waive a disciplinary conference and go directly to a hearing; and,
- e. The University may refer the case directly to a Hearing Board.

C. Any student charged with violating the CSC may request to delay a

Disciplinary Conference or a Hearing. In a case where criminal charges related to the alleged CSC violation are pending against a charged student, upon the charged student's request, a reasonable delay shall be granted to secure the advice of legal counsel except in the case of Interim Restrictions. All other delays shall be granted to either party at the discretion of the staff member prior to the hearing or by the Hearing Board once the hearing has begun.

D. In the event of a hearing, the charged student shall be notified at least five business days prior to the date of the hearing. A hearing to review an alleged violation of Interim Restrictions may be called within one working day. An additional five-business-day notice is not required for rescheduled hearings. Such notice shall be in writing and shall include the following:

1. The specific charge(s) citing the appropriate University policies or regulation(s) allegedly violated.
2. A description of the alleged act(s), including the time and place of the alleged act(s) (insofar as may reasonably be known) and a summary of the information upon which the charges are based.
3. The time and place of the proposed hearing.
4. The procedures to be followed in the hearing.

E. The Hearing Board shall be subject to the following procedures:

1. The member(s) of the board shall be impartial, i.e., not personally involved in the alleged act(s) with which the student is charged.
2. The hearing shall be open only to the complainant, the charged student, Hearing Board members and witnesses. Others shall be permitted only if the charged student and the complainant agree. A recording of the hearing will be made for the use of the Hearing Board; the official making the final determination and the charged student, who may appeal the decision.
3. Where the student denies the charge(s), the University shall bear the burden of proving the charge(s) by a preponderance of the evidence. In cases where a charged student fails to appear after proper notice a hearing may be conducted despite his/her absence.
4. The charged and complaining student may request the assistance of an advocate from the University community to represent him/her, provided, however, that such an advocate shall not be an attorney.

The charged student may request the assistance of an advocate from the University community to represent him/her when the University is the complainant in the hearing, provided, however, that such an advocate shall not be an attorney.

When there is a pending criminal case or when there is a reasonable likelihood that a criminal complaint will be sought against the student arising out of the same facts as the charge(s), the student may, at his/her own expense, be accompanied by an attorney who shall not participate in the hearing. Any student who elects to be accompanied by an attorney must notify the Dean of Students at least three business days in advance of the hearing. A Student who elects to bring witnesses must submit witnesses' written statement in advance of the hearing. Both the complainant and charged student are entitled to view and receive copies of all submitted witness statements prior to the hearing.

Attorneys assisting students must not be employees of the Student Legal Services Office supported by University funds. Where language difficulties exist, the student may communicate through an interpreter.

5. The Disciplinary Hearing Board may rely upon oral statements of witnesses and upon written reports and other documents.
6. The presiding officer of each board shall exercise control over the hearing. A Hearing Board follows prescribed procedures, but need not observe the rules of evidence observed by courts, and may exclude unduly repetitious or irrelevant evidence.
7. Board members may take notice of matters which would be within the general experience of University students or officials.
8. Any person, including the charged student, who disrupts a hearing or who fails to adhere to the rulings of the presiding officer may be excluded from the proceedings.
9. Any recommendation of a Hearing Board shall be based only upon evidence and testimony at the hearing.
10. A Hearing Board shall include in the record a written summary of testimony, findings of fact(s), and rationale. The entire record shall be forwarded, within two business days, to the Dean of Students.
11. The designated University official shall, within five business days after receiving the Hearing Board's report, render a written decision in the disciplinary matter, consisting of findings of fact, sanction(s), and reasons therefore, which shall be included in the record. The official shall send a copy of said decision to the charged student(s).

F. In cases involving allegations of acts of violence, the complainant will be advised of the outcomes of any disciplinary proceedings, subject to applicable privacy statutes and regulations. If any violation of the University alcohol or drug policies results in an entry on the student's record, the parents or legal guardians of dependent students under 21 will be notified. The University may waive parental notification in unusual circumstances if a student makes a bona fide showing that such notification will create significant hardship.

V. SANCTIONS.

In determining a sanction, a designated University official may consider the student's present demeanor and past disciplinary record, the nature of the offense, the severity of any damage, injury, or harm resulting therefrom, and other factors. The University has a special concern for incidents in which persons are subject to harassment because of membership in a particular racial, religious, gender or sexual orientation group, disability or veteran status. Such incidents damage not only individuals, but also the free and open academic environment of the University. More severe sanctions are appropriate for such conduct.

If the charge against the student is sustained, the responsible University official may impose one or more of the following sanctions:

A. **EXPULSION**--Expulsion is a permanent separation of the student from the University. The student will also be barred from University premises.

B. SUSPENSION--Suspension is a separation of the student from the University for a specified period of time, but not less than the remainder of the semester. Suspensions that take effect during a semester may result in the loss of academic credit for that semester. The student should not participate in any University sponsored activity and may be barred from University premises.

After the student completes the term of the suspension, the student must apply for readmission to the University. In order to enroll, the student must file a Readmission application, including the readmission fee, with the Registrar by the appropriate readmission deadline.

When the outcome of a disciplinary action is suspension from the university, a restriction will be placed to prohibit the student from performing any registration transactions during the period of suspension. The restriction will not be removed and the student will not be allowed to perform university transactions until the stated period of suspension has expired and all disciplinary obligations are met.

C. DEFERRED SUSPENSION--When significant mitigating factors are present, suspension may be deferred; this provides a student with one final opportunity before he/she is suspended. If the student is found responsible for another violation of the CSC during the sanction period, the suspension may take effect as of the date of the later sanction.

D. UNIVERSITY PROBATION--University Probation is a specified period of time during which any further violations of the CSC may subject the student to suspension or expulsion.

E. UNIVERSITY REPRIMAND--This is an official notice to a student that his/her behavior is unacceptable. The student is advised that any further violation of the CSC may result in more severe disciplinary action.

F. HOUSING REMOVAL--Housing Removal results in a removal of the student from University housing for a specified period of time. Any student receiving notification to vacate University housing facilities is entitled to seven calendar days in which to do so.

G. DEFERRED HOUSING REMOVAL--When significant mitigating factors are present, Housing Removal may be deferred; this provides a student with one final opportunity before he/she is removed from University housing. If the student is found responsible for another violation of the CSC during the sanction period, the Housing Removal may take effect as of the date of the later sanction.

H. HOUSING PROBATION--Housing Probation is a specified time period during which any further violations of the CSC may subject the student to Housing Removal.

I. HOUSING REPRIMAND--This is an official notice to a student that his/her behavior is unacceptable. The student is advised that any further violation of the CSC may result in more severe disciplinary action.

J. HOUSING RELOCATION--Housing Relocation may occur when it is in the best interests of the Residence Hall community.

K. RESTITUTION--If restitution is imposed, the student is required to make

payment to the University or another for loss of, or damage to, property.

L. OTHER SANCTIONS--Other sanctions may be imposed instead of or in addition to those specified above, such as work requirements, restrictions upon privileges, educational service projects, etc.

M. GROUP SANCTIONS--Fraternities, sororities, and other Registered Student Organizations may receive sanctions which may include restrictions on access to University facilities, programs and services.

N. FINES--Fines may only be assessed for violations of Part II.A.9 (\$25 fine excluding replacement cost) and Part II.B.12. If an article is shoplifted, a fine may be assessed of up to four times the value of the article, but not less than \$25. Any funds assessed shall be deposited in the general scholarship fund administered by the University.

VI. APPEALS.

A. The University shall establish a University Appeals Board (UAB), consisting of such University employees and students as may be appointed by the Chancellor or his or her designee(s). The UAB will be composed of three University employees and/or students.

B. A charged student may appeal the decision of the University official that results from a hearing by delivering a letter of appeal to the UAB within five (5) business days of the student's receipt of the official's decision. In cases involving sanctions of suspension of more than ten days or expulsion, this letter may be submitted by an attorney. The letter of appeal shall specifically allege and factually support one or more of the following grounds:

1. A procedural error or irregularity which materially affected the decision;
2. New evidence not previously available which would have materially affected the decision (non-attendance at a hearing by a charged student or witness does not constitute new evidence);
3. The decision is unsupported by substantial evidence, i.e., evidence that a reasonable mind might accept as adequate to support the decision; or
4. The sanction is unsupported by the charges and/or the student's disciplinary history.

C. If a sufficient claim is presented under one or more of the specified grounds, the UAB shall review a copy of the hearing records. A recommendation from the UAB may include, but not be limited to, changes in sanctions(s), or remanding to a new Hearing Board. The Vice Chancellor for Student Affairs and Campus Life will review the UAB's reports and recommendation and issue a decision. The Vice Chancellor is not limited to those sanctions imposed by the Dean of Students Office or to those recommended by the UAB, even though such decisions may result in the imposition of more severe action.

D. In cases involving physical or sexual assault, a complainant has the right to appeal the imposed sanction on the ground that the sanction is unsupported by the charges by delivering a letter of appeal to the UAB within five (5) business days of the complainant's receipt of notice of the sanction imposed. The charged student shall receive written notice and a copy of the

complainant's appeal within three (3) business days of receipt of the appeal by the University and may submit a response by delivering a letter of response to the UAB within five (5) business days of the charged student's receipt of the complainant's appeal.

E. Within fifteen (15) business days from receipt of the student's letter of appeal, the appropriate University official shall render a written decision in the case, or request the appropriate board to clarify its recommendation. Upon receipt of said clarification, the official may proceed to decide the matter as specified herein. The decision of the appropriate official shall be final, and shall be based only on the record. A copy of the decision shall be sent to the charged student and included in the record, which shall be returned to the Dean of Students Office.

F. In exceptional cases in which the Chancellor determines that the safety or well-being of the campus community warrants, the Chancellor or his/her designee may, at his/her discretion or upon request by an involved party, review the decision of the University official. The chancellor or designee may refer the case back to any level for further review, may affirm the decision, or may overturn the decision. The Chancellor or designee's decision shall be final.

VII. INTERIM RESTRICTIONS.

A. Either the Chancellor or the Vice Chancellor for Student Affairs or their designee may impose restriction(s) upon a student pending disciplinary proceedings, such interim restrictions to become effective immediately without prior notice when in the professional judgment of a properly designated university official there is reason to believe that the student is an imminent threat to himself or herself, to others, or to property, or cause imminent disruption to the orderly operation of the University. The following is a partial list of CSC violations where an interim restriction may apply -

- Bomb threat or knowingly issuing false bomb warning.
- Willful destruction of property.
- Willful disruption of scheduled University activities.
- Violence against persons which results in bodily injury.
- Repeated and persistent harassment of any member of the community.
- Violence against persons which constitutes sexual assault.
- Administering or causing to be administered to any person unknowingly or against the person's will any controlled substances.
- Sale or distribution of, or aiding or assisting in the sale or distribution of, any controlled substance.
- Possession of a firearm or any other dangerous weapon.
- Participation in a riot or civil disorder.

B. Interim restrictions may include, but are not limited to, the following: (1) suspension; (2) assignment to alternate housing; (3) limitation of access to designated University housing facilities and/or other campus facilities by time and location; (4) restriction of communication with named individuals or groups within the University community; and/or (5) the requirement to secure advance authorization to engage in a specified activity.

C. Notwithstanding any other provision of the CSC to the contrary, after oral

or written notice to the student of the alleged conduct, a meeting between the student and the designated University official will be held prior to the imposition of interim restrictions whenever reasonably possible. Otherwise, the meeting will be held on the first business day that the student is available. At the meeting, if the alleged conduct is denied, the student shall be informed of the basis of the allegation and offered the opportunity to present his or her own version of the facts. The official or his or her designee shall determine in writing whether the interim restrictions will continue or others be imposed, together with the reasons therefore.

D. If there is reason to believe that any of the interim restrictions imposed has been violated, the official shall request an expedited hearing under Part IV.D. Violation of interim restrictions may result in suspension from the University.

VIII. CRIMINAL RECORDS

Admitted students and matriculated students are required to report any convictions, wherever they occur, for crimes that would constitute felonies under Massachusetts law, and those who report such convictions are required to provide, upon request by the University, a CORI report or such other documentation as the University may require.

IX. RECORDS AND CONFIDENTIALITY

Student conduct records are maintained separate and apart from all other student records. Records of student conduct actions are maintained in the Dean of Students Office in compliance with the Family Educational Rights and Privacy Act (FERPA), Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act), Massachusetts State law and University regulations. The Dean of Students Office shall maintain the official disciplinary records and a disciplinary tracking system, which shall include, but not be limited to, the student's name and related identifying information, applicable CSC section(s), parties involved, description of the incident, sanction(s), expiration dates, agreements or restrictions, and any other data deemed relevant.

Such record will be maintained for seven years after the date of the last incident which led to the initiation of disciplinary action. In cases where the final disposition is an expulsion, the Office of the Dean of Students retains student discipline records indefinitely. Disciplinary records and related information shall be made available to hearing boards and University personnel designated in the CSC, as necessary.

Upon receipt of a request from professional schools, graduate programs, employers or others for the disciplinary records of a student, after the student provides an appropriate confidentiality waiver, the Dean of Students office will report CSC violations consistent with attendant record keeping policies outlined above and align reporting with the educational underpinnings of a university disciplinary process.

Students may arrange to review their own disciplinary records and related information by contacting the Dean of Students Office. Except as provided in the CSC, the University shall not communicate a student's disciplinary record and related information to any person or agency without the prior written

consent of the student or, when the student is a minor, the student's parents or legal guardian, except as required by law. Disciplinary proceedings under the CSC shall be confidential.