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**UNIVERSITY OF MASSACHUSETTS
CODE OF STUDENT CONDUCT**

AMHERST

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 undergraduate student enrolled in or accepted for an academic program, regardless of credits carried, or any graduate or undergraduate student residing in University Housing facilities at the University of Massachusetts Amherst. 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.
- C. 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 regardless of location. In addition, the University may apply the standards set forth in the CSC to serious violations of the law or acts of misconduct which occur in other locations when the behavior distinctly and directly affects the University community.
- D. Students who violate these or other duly established regulation become subject to disciplinary action and the procedures described herein.
- E. 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.

- F. 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.
- G. 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.
- H. Any behavior which may have been influenced by a student's mental state (irrespective of the ultimate evaluation), or 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.
- I. The University will neither assume responsibility for, nor act in the collection of, privately incurred debts involving students.
- J. 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 the records of judicial groups. (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, Housing Services, 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 following shall constitute violations of the CSC:

1. "Harassment," which includes but is not limited to:
 - a. "Physical assault," which includes but is not limited to 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 but not limited to hitting, kicking, spitting, or biting. The University has special concern for incidents in which students are subject to physical assault because of membership in a particular racial, religious, gender or sexual orientation group.
 - b. Conduct less than a physical attack or physical interference which interferes with a person in the conduct of his or her customary or usual affairs, such as the posting of threatening letters directed to the person, the use of threatening language directed at another, harassing or threatening telephone calls, or the vandalism of a person's room (e.g., graffiti). The University has special concern for incidents in which students are subject to such conduct because of membership in a particular racial, religious, gender or sexual orientation group.

2. "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.
3. Sexual assaults, rape, or any other uninvited behavior of a sexually explicit nature.
- 4a. The improper use, possession, possession for the purpose of sale, or distribution of any controlled substance, as defined in Mass. G.L. c. 94C, Section 34.
- 4b. Possession of drug paraphernalia; 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 as defined in Mass. G.L.c. 94C, Section 1. 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.
- 4c. The unauthorized possession of a hypodermic syringe, hypodermic needle, or any instrument adapted for the administration of controlled substances by injection, as provided in Mass G.L.c. 94C, Section 27.
5. 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."
6. Failure to comply with the directions of University officials acting in performance of their duties.
7. 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.
8. 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.
9. The creation of a fire hazard, the improper use of electrical appliances or the improper use or possession of inflammable or hazardous substances.
10. 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, sitting on window sills, tampering with or damaging elevator equipment or other machinery, damaging or removing a fire extinguisher or any part of a fire alarm, food fights, hall sports, water fights 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.
11. Intentional failure to evacuate any University building after a fire alarm has sounded, or other notice has been given.
12. Shoplifting in any University retail unit (e.g., University Store, Textbook Annex, Mini Store, Food Services Facility, etc.).
13. Violations of University policies and regulations, including but not limited to, the Alcoholic Beverage and Smoke-Free policies.
14. Failure to comply with any authorized CSC sanction(s).

C. CARE OF PROPERTY

Property is defined as University or Commonwealth-owned or leased property, equipment, programs or materials; owned or leased property, equipment, programs or materials of students, faculty, staff, University or student guests, vendors, contractors, or anyone doing business at or visiting the University.

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. UNIVERSITY HOUSING AND DINING HALLS REGULATIONS

Area governments, house councils, the University Housing Services staff and other appropriate University agencies (e.g., Environmental Health and Safety, Food Services) may recommend, in accordance with their specific charges and responsibilities, policies relating to University housing/dining facilities. "University housing/dining facilities" shall include residence halls, dining halls, family housing units, areas associated with these facilities and, where applicable, fraternities and sororities. Violations of these policies, when approved by the Vice Chancellor for Student Affairs, may result in disciplinary action under the CSC. (Refer to Addendum A, the Residence Hall Manual and the Food Services Booklet for these policies.)

III. HEARING BOARDS

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

- A. A Judicial Hearing Board, composed of University employees and/or student(s), shall have not fewer than three, nor more than five members.
- 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 ACTIONS

- 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 twelve 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, either (1) a "registration hold" will be placed on the student's academic record and the student notified that disciplinary action may be initiated upon the student's application for readmission, or (2) 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 Judicial Conference, at which time the nature of and the responsibility for an alleged offense is discussed. The student will also be advised of his or her options to resolve the matter.
 - 1. 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 in absentia finding.
 - b. A sanction may be imposed following the Judicial Conference.
 - c. The charge(s) could be dropped by the designated University official.
 - d. There is no appeal for minor violations.
 - 2. For repeated violations and/or more serious infractions:
 - a. Failure to respond to a Notice of Charge within four business days will result in the case

- 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 judicial 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 Judicial 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 presiding officer of the Hearing Board shall decide whether the hearing shall be open based upon the request of the charged student and the complaining witness. A tape 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. The tape will be destroyed once the appeal date has expired or the appeal has been heard.

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. If the complaining witness(es) fails to appear, the hearing will not be convened and all charges will ordinarily be dropped.

4. The charged and complaining students may each request the assistance of an advisor from the University community to assist and advise them; however, that advisor shall not be an attorney. Students accompanied to the hearing by an advisor must represent themselves.

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 Judicial Officer at least three business days in advance of the hearing.

Attorneys assisting students must not be employees of the student legal services offices supported by University funds. Where language difficulties exist, the student may communicate through an interpreter.

5. The complaining witness(es) and the charged student(s) shall have the opportunity to call and examine witnesses, cross-examine witnesses, and present and question other evidence. Witnesses may not be subject to penalty for failure to give evidence, but if a witness who has given evidence refuses to give evidence on cross-examination, the witness' entire testimony shall not be considered.

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 recommendation, 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). Within the five- business-day period, the designated University official may request the Hearing Board to clarify its recommendation and, upon receipt of said clarification, may proceed to decide the matter as specified herein. Any decision shall be based only on the record of the Hearing Board, as may be clarified.

- F. In cases involving allegations of crimes of violence, the victim will be advised of the outcomes of any judicial proceedings. If any student violates the University alcohol policies for a second time or first time for drug violations including distribution of controlled substances, 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 there from, 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. 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 system. The sanction will be recorded on the student's transcript. The student will also be barred from University premises.
- B. **SUSPENSION** – Suspension is a separation of the student from the University system for a specified period of time, but not less than the remainder of the semester. The sanction may be recorded on the student's transcript. Suspensions that take effect during a semester will 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.

NOTE: 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.

- C. **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.

D. **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.

NOTE: 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.

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

F. **HOUSING RELOCATION** – Housing Relocation may occur when it is in the best interests of the Residence Hall community.

G. **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.

H. **RESTITUTION** – If restitution is imposed, the student is required to make payment to the University or another for loss of, or damage to, property.

I. **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.

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

K. **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 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 Code of Student Conduct 2006-2007 15 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 judicial 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 record. When the decision of the University official involves a sanction of expulsion, suspension, or deferred suspension, the Chancellor will review the UAB's report and recommendation, and issue a decision. When the decision of the University official involves a sanction other than expulsion, suspension, or deferred suspension, the Vice Chancellor for Student Affairs will review the UAB's report and recommendation, and issue a decision. A recommendation from the UAB may include, but not be limited to, change in sanction(s), remanding to a new Hearing Board, or alternate findings.
- D. 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.

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 whenever there is ground to believe that the student is an imminent threat to himself or herself, to others, or to property, or the cause of serious disruption to the University community.
- 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. RECORDS AND CONFIDENTIALITY

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 incident which led to the initiation of disciplinary action. Disciplinary records and related information shall be made available to hearing boards and University personnel designated in the CSC, as necessary. 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.