



Code of Student Conduct

2009 – 2010

The Code of Student Conduct is an annual publication of the Office of the Vice Chancellor for Student Affairs.

All undergraduate students are responsible for complying with the rules, regulations, policies, and procedures contained in this publication as well as those in other official University publications and announcements which may be issued from time to time. Graduate students living in University housing are subject to applicable Housing Services regulations.

The University reserves the right to change policies and regulations whenever such action is deemed appropriate or necessary.

This publication is compiled and posted on the Dean of Students web site annually near the beginning of the fall semester.

Questions, comments, and suggestions should be forwarded to the Dean of Students Office, 227 Whitmore.

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Academic Calendar

Fall 2009	
First day of classes	Tuesday September 8
Last day to Add or Drop with no record - Undergraduate, Graduate, Stockbridge, Continuing Education	Monday September 21
Holiday - Columbus Day	Monday October 12
Monday class schedule will be followed	Tuesday October 13
Last day to Drop with 'DR' - Graduate	Monday October 19
Mid-Semester Date (Last day to drop with "W" - Undergraduate, Stockbridge, Continuing Education)	Thursday October 22
Holiday - Veterans Day	Wednesday November 11
Registration begins for Spring 2010	Thursday November 12
Thanksgiving recess begins after last class	Wednesday November 25
Classes resume	Monday November 30
Last day of classes	Friday December 11
Reading Period begins	Saturday December 12
Reading Period ends	Sunday December 13
Final examinations begin	Monday December 14
Last day of final examinations	Saturday December 19
Snow day for Dec. 19 exams, semester ends	Monday December 21
Final grades due	Monday December 28
Winter Term 2009/2010	
First day of classes	Monday December 21
Last day to Add/Drop	Wednesday December 23
Holiday Break starts	Thursday December 24
Classes resume	Monday December 28
Holiday Break starts	Thursday December 31
Classes resume	Monday January 4
Last day to Drop with 'W'	Tuesday January 5
Last day of classes	Saturday January 16
Final grades due	Wednesday January 20
Spring 2010	
First day of classes	Tuesday January 19
Last day to Add or Drop with no record - Undergraduate, Graduate, Stockbridge, Continuing Education	Monday February 1
Holiday - Presidents' Day	Monday February 15
Monday class schedule will be followed	Tuesday February 16
Last day to Drop with 'DR' - Graduate	Monday March 1

Spring 2010 (cont.)	
Spring recess begins after last class	Saturday March 13
Classes resume	Monday March 22
Mid-Semester Date (Last day to drop with "W" - Undergraduate, Stockbridge, Continuing Education)	Tuesday March 23
Registration begins for Fall 2010	Monday March 29
Holiday - Patriots' Day	Monday April 19
Monday class schedule will be followed	Wednesday April 21
Founders Day (Classes meet)	Thursday April 29
Last day of classes	Tuesday May 4
Reading Day	Wednesday May 5
Final examinations begin	Thursday May 6
Second Reading Day	Saturday May 8
Final examinations resume	Monday May 10
Last day of final examinations, semester ends	Thursday May 13
Graduate and Stockbridge Commencements	Friday May 14
Undergraduate Commencement	Saturday May 15
Final grades due	Tuesday May 18
Summer Session 2010	
First day of classes - Session One	Monday May 17
Last day to Add/Drop - Session One	Wednesday May 19
Last day to Drop with 'W' - Session One	Wednesday May 26
Holiday - Memorial Day	Monday May 31
Last day of classes - Session One	Monday June 7
First day of classes - Session Two	Tuesday June 8
Last day to Add/Drop - Session Two	Friday June 11
Session One final grades due	Friday June 11
Last day to Drop with 'W' - Session Two	Wednesday June 23
Holiday - Independence Day	Monday July 5
Last day of classes - Session Two	Tuesday July 13
First day of classes - Session Three	Wednesday July 14
Last day to Add/Drop - Session Three	Monday July 19
Session Two final grades due	Monday July 19
Last day to Drop with 'W' - Session Three	Thursday July 29
Last day of classes - Summer Session ends	Tuesday August 17
Session Three final grades due	Monday August 23

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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 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 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, 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, disability or veteran status.

b. Interference 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, disability or veteran status.

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 assault or any other uninvited behavior of a sexually explicit nature.

4a. The improper use, possession for the purpose of sale, or distribution of any controlled substance, as defined in Mass. G.L. c. 94C, Section 31 et.

4b. The improper possession of any controlled substance, as defined in Mass. G.L. c. 94C, Section et seq.

4c. 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.

4d. 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.

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. 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 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. 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 Appendix A, the Daily Planner for Academic Success 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 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/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 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, 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 Disciplinary 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 inabsentia finding.

b. A sanction may be imposed following the Disciplinary 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 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 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 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. The recording 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 Dean of Students 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 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 crimes of violence, the victim will be advised of the outcomes of any disciplinary 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 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 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 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.

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-Fraternalities, 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 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 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.

Alcoholic Beverage Policy

PREFACE

The goal of the University Alcoholic Beverage Policy is to promote attitudes and behaviors towards alcohol use, on and off campus, that are consistent with an atmosphere of civility, and to discourage alcohol-related behavior which is abusive to oneself or to others, within the confines of preserving the civil rights of all. In accordance with the University's commitment to provide a civil, safe, and healthful environment, confidential services, resources, treatments, and various programs encompassing education and alternatives to alcohol use must be provided to support the needs and concerns of members of the University community related to alcohol and other drugs.

The following guidelines are general guidelines concerning the use of alcoholic beverages. Specific guidelines are available from various offices on campus such as Housing Services (for residence hall policies), the Office of Greek Affairs (for policies concerning the Greek system), Auxiliary Services and the Dean of Students Office. All members of the University community are responsible for obtaining and adhering to these guidelines. Provisions of the Drug Free Schools and Communities Act and the Drug Free Workplace Act also apply, as well as regulations present in employee contracts.

I. GENERAL GUIDELINES.

The acquisition, possession, transportation and consumption of alcoholic beverages are governed by various statutes of the Commonwealth of Massachusetts and regulations of the Alcoholic Beverages Control Commission. In general, some of the more pertinent statutes and regulations provide that:

A. No person, group or organization may sell alcoholic beverages except pursuant to a license granted by the Commonwealth through the local government licensing authority.

B. No person shall operate a motor vehicle while under the influence of alcoholic beverages. Violators are subject to arrest, fine, mandatory court education programs, loss of license and/or imprisonment.

C. No person who is intoxicated shall be served an alcoholic beverage. Violators are subject to fine and possible disciplinary action from the local licensing authority.

D. No person or group shall purchase or otherwise procure alcoholic beverages for consumption by a person under 21 years of age. Violators are subject to criminal charges and fine.

E. No person under 21 years of age shall transport, purchase, sell, possess, or receive alcoholic beverages. (Except persons who are 18, 19, or 20, may transport or carry alcoholic beverages in the course of his/her bona fide employment in an establishment licensed to sell alcoholic beverages.) Violators are subject to arrest, criminal charges and fine.

F. No person shall use the liquor identification card or driver's license of another, or supply such cards to another, or furnish false information in obtaining such cards, or alter or deface such cards. Violators are subject to possible arrest, criminal charges and fines.

G. In addition to the criminal penalties for wrongful handling and use of alcoholic beverages, individuals who furnish or sell alcoholic beverages to minors or to persons who are intoxicated may be liable to such persons and to anyone else who suffers personal injury as a result of such furnishing or sale. This could result in a civil lawsuit.

II. REGULATIONS.

Statutes and regulations are numerous and subject to change. The above generalizations should not be considered as a complete and categorical statement of the present law. All members of the University community are expected to acquaint themselves with the laws and regulations relative to the possession, consumption, distribution, transportation, and sale of alcoholic beverages.

A. Authority. These regulations are promulgated by the Trustees of the University of Massachusetts pursuant to the provision of Massachusetts General Law, Chapter 75, Section 3, and Chapter 15A, Section 10, and shall be in effect in all areas and for all persons.

B. Definitions. The following words as used in these regulations, unless the context otherwise requires, shall have the following meanings:

1. "Alcoholic beverage," any liquid intended for human consumption as a beverage and containing one half of one percent or more of alcohol by volume at sixty degrees Fahrenheit.

2. "Organization," all Recognized Student Organizations, fraternities, sororities, area governments and groups of students, and all faculty, staff, and alumni organizations and groups, and all groups of visitors using areas under University Jurisdiction.

3. "Chancellor's designee," the individual or office designated as such by the Chancellor of the University for the implementation of these regulations.

4. Individuals covered under this policy:

a. "Student," any person enrolled in a class or course at the University, whether full or part time, graduate or undergraduate.

b. "Faculty," any person employed as an instructor, lecturer, assistant/associate or full professor at the University, whether on a full or part-time basis.

c. "Staff," any person employed by the University in a professional or classified capacity whether on a full or part-time basis.

d. "Alumni," any person previously enrolled as a student at the University, whether full or part-time, graduate or undergraduate.

e. Any person involved in Five College activities or classes held at the University of Massachusetts.

f. Any person who is a visitor of or who is a guest at the University.

5. "University," the University of Massachusetts Amherst.

6. "Areas under Jurisdiction of the University," includes all
 - a. property occupied or used by (or used in the name of) the University;
 - b. property owned, occupied or used by the University of Massachusetts Building Authority; and
 - c. property, irrespective of ownership, which is occupied or used by a fraternity, sorority or any other recognized organization of students.
- C. Individual and Group Responsibility for Alcohol Related Behavior.
 1. All individuals and groups covered under this policy are to observe Massachusetts state laws pertaining to alcohol, including the 21 year old drinking age law, and be aware of the legal ramifications of non-compliance.
 2. Damage to or destruction of property, or injury to person(s) which is caused by or can be shown to be related to the consumption of alcohol will be subject to disciplinary action. The association of alcohol with problem behavior shall not be seen as a mitigating factor in the disciplinary process.
 3. Employees or students who become the subject of campus police and security reports involving alcohol, and groups of individuals who violate campus rules because of alcohol, will be required to meet with the appropriate Vice Chancellor or his/her designated representative for discussion of the incident(s) and possible referral. Employees and students are accountable for their behavior. Behavior that violates University rules and regulations associated with alcohol abuse will be referred to the appropriate Vice Chancellor or designee for intervention (assessment, education, treatment and/or discipline) as part of the disciplinary process.
 4. The sponsoring organizations of social events must abide by established procedures and standards as outlined in this policy. Failure to do so may result in action under existing University rules and regulations as may be amended from time to time and/or loss of University recognition of the organization, except where state law supersedes this action.
 5. University of Massachusetts Amherst affiliated residential units and activity/social groups are responsible for adhering to rules related to alcohol service at social events and for maintaining the guidelines in this policy. Failure to do so may result in action under existing University rules and regulations as may be amended from time to time and/or loss of University recognition of the organization, except where state law supersedes this action.
 6. Members of the University community who host social events in areas under jurisdiction of the University in the Amherst campus area are responsible for the alcohol related behavior of their guests.
- D. Purchase of Alcoholic Beverages Restrictions.
 1. Unless otherwise permitted by current campus operating procedures, no individual or organization may expend any campus funds for the purchase of any alcoholic beverages.
 2. No individual or group operating under the authority of the University may expend monies informally collected from members of an organization for the purchase of any alcoholic beverage except where said beverage is to be served as part of a duly registered and/or scheduled event, and consistent with the cultural, educational or professional purposes of the organization.

E. Organizations Serving Alcoholic Beverages Without Charge; Rules and Regulations.

1. Organizations may serve alcoholic beverages without charge within their respective premises and within established guidelines provided:

- a. No alcoholic beverage is served to any person under the age of 21 years;
- b. No fee is charged for any alcoholic beverage; use of chits as a substitute for cash is a violation of ABC administrative regulations and is prohibited;
- c. No individual under the age of 21 years shall contribute to any fund used to purchase alcoholic beverages;
- d. No alcoholic beverage shall be served to any intoxicated person.

2. An appropriate fee may be charged for live entertainment; provided, however, that the fee is not used for the purchase of alcoholic beverages.

3. Admission and consumption of alcoholic beverages may be restricted by the organization to its members and their guests. The sponsoring organization may make the final decision on the approved guest list.

4. Organizations may have other reasonable guidelines and regulations, consistent with the regulations provided herein, to further regulate the purchase and consumption of alcoholic beverages. See M of this section.

F. Selling Alcoholic Beverages Rules and Regulations.

1. All sales of alcoholic beverages must be arranged through Auxiliary Services.

2. All sales of alcoholic beverages on University property shall be subject to and in conformity with any restrictions or conditions imposed by the local licensing authority.

G. Alcoholic Beverage Container Regulations.

1. Kegs and other large volume containers are not permitted in areas under University jurisdiction except at duly authorized/licensed events and must comply with local town regulations where applicable.

2. Open containers are not permitted in public spaces on campus except at duly authorized events/licensed events.

3. Safe disposal of any beverage container is required in all areas under University jurisdiction.

H. Regulations Pertaining to Outdoor Events.

Possession, sale, or use of alcoholic beverages at outdoor events held in Areas under the Jurisdiction of the University is prohibited.

I. Social Events/Advertising.

In general, social events which encourage drinking or drunkenness as themes, and the advertisement of such events, are considered inappropriate and will not be permitted. Promotional activities or events sponsored by alcohol marketers will not be permitted, except with the approval of the appropriate Vice Chancellor or designee.

J. Responsibility for Providing Certain Attendant Functions.

Any person or organization providing alcoholic beverages in areas under University of Massachusetts Amherst jurisdiction, whether or not a fee is charged, shall be responsible for providing:

1. At least three non-alcoholic beverages which are prominently displayed. No one should be coerced, even subtly, to drink or to overindulge. Persons who provide alcoholic beverages to guests bear a responsibility to see that alcohol is not served to intoxicated individuals.
2. Food (e.g., hors d'oeuvres, snacks or meals). This stipulation makes the event more balanced and reduces the probability of inebriation.
3. A clean, sanitary serving area with unused containers, cups, ice and other utensils.
4. Reasonable control of access to the immediate areas where alcoholic beverages are served or stored.
5. Sufficient supervision to insure compliance with Massachusetts Law, including a police officer or officers wherever appropriate (see K of this section). Failure to adhere to this policy will result in University, civil, and/or criminal sanctions.
6. A thorough and complete cleaning of the premises within twelve (12) hours after the function has ended.

K. Director of Public Safety; Police Officers; Compensation.

1. The Director of Public Safety for the University shall, whenever possible, provide police assistance to any Organization requesting such assistance by assigning uniformed or non-uniformed officers. The individual or Organization requesting such officers shall be responsible for their compensation. Any individual or Organization requesting assistance shall make such request no later than three weeks prior to the commencement of the function.
2. The Director or any police officer(s) assigned by him/her to provide assistance shall have authority to terminate any function where the possession, consumption or sale of alcoholic beverages is being conducted in violation of these regulations or the laws and regulations of the Commonwealth, and he/she shall notify the Chancellor's designee of any such violation.

L. Violations, Penalties.

1. Any violation of these regulations shall constitute a violation of University Policy and shall be reported to the Chancellor's designee.
2. Any person or organization which has been found to have violated the provisions of these regulations will be referred to the Chancellor's designee. If any judicial proceeding involving the violation of the University alcohol or controlled substances policies results in a finding of Housing Removal, Suspension or Expulsion, 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.
3. For purposes of these regulations, in determining whether or not to hold any organization liable for the violations of its members at a sponsored event,

due consideration will be given to the circumstances of the violation and the efforts of the organization as a whole to comply with the provisions of these regulations.

4. In addition, violations of these regulations may be reported to and acted upon by the civil authorities.

M. Violations of the Laws of the Commonwealth; Civil and Criminal Liability.

Nothing contained in these regulations shall relieve any person or organization of the responsibility to comply with the laws of the Commonwealth and the regulations of the Alcoholic Beverages Control Commission, nor from any civil or criminal liability which may result by reason of any such violation.

N. Regulations Regarding the Use of Alcohol in the Residence Halls (Code of Student Conduct, Section II. D.) are printed in the Residence Hall Manual.

III. COMMUNITY RESOURCES FOR ALCOHOL OR OTHER DRUG RELATED PROBLEMS.

In accordance with the University's commitment to civility, services and resources are provided to support individual needs, to assist at crisis points and to provide accurate information - all related to alcohol and other drugs. Listings of resources on campus and in the community are available by calling the Dean of Students Office (545-2684), Center for Alcohol and Other Drug Abuse Prevention, Division of Health Education, University Health Services (577-5181), or the Faculty and Staff Assistance Program (545-0350).

Hazing Policy

All students are subject to the following act of the Massachusetts Legislature (General Court) which makes hazing a crime. Action may be initiated for alleged violation(s) of this act under applicable sections of the Code of Student Conduct. Students may also be subject to lawsuits by victims of hazing.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

Chapter 269 of the General Laws is hereby amended by striking out sections 17 to 19, inclusive, and inserting in place thereof the following three sections:

Section 17.

Penalty

Whoever is a principal organizer or participant in the crime of hazing, as defined herein, shall be punished by a fine of not more than three thousand dollars or by imprisonment in a house of correction for not more than one year, or both such fine and imprisonment.

Definition

The term "hazing" as used in this section and in sections eighteen and nineteen, shall mean 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 conduct shall include whipping, beating, branding, forced calisthenics, exposure to the weather, forced consumption of any food, liquor, beverage, drug, or other substance, or any other brutal treatment or forced physical activity which is likely to adversely affect the physical health or safety of any such student or other person, or which subjects such student or other person to extreme mental stress, including extended deprivation of sleep or rest or extended isolation.

Notwithstanding any other provisions of this section to the contrary, consent shall not be available as a defense to any prosecution under this action.

Section 18.

Duty to report

Whoever knows that another person is the victim of hazing as defined in section seventeen and is at the scene of such crime shall, to the extent that such person can do so without danger or peril to him/herself or others, report such crime to an appropriate law enforcement official as soon as reasonably practicable. Whoever fails to report such crime shall be punished by a fine of not more than one thousand dollars.

Section 19.

Notice

Each institution of secondary education and each public and private institution of post secondary education shall issue to every student group, student team or student organization which is part of such institution or is recognized by the institution or permitted by the institution to use its name or facilities or is known by the institution to exist as an unaffiliated student group, student team or student organization, a copy of this section and sections seventeen and eighteen; provided, however, that an institution's compliance with this section's requirements that an institution issue copies of this section and

sections seventeen and eighteen to un-affiliated student groups, teams or organizations shall not constitute evidence of the institution's recognition or endorsement of said unaffiliated student groups, teams or organizations.

Each such group, team or organization shall distribute a copy of this section and sections seventeen and eighteen to each of its members, plebes, pledges or applicants for membership. It shall be the duty of each such group, team or organization, acting through its designated officer, to deliver annually, to the institution an attested acknowledgement stating that such group, team or organization has received a copy of this section and said sections seventeen and eighteen, that each of its members, plebes, pledges, or applicants has received a copy of sections seventeen and eighteen, and that such group, team or organization understands and agrees to comply with the provisions of this section and sections seventeen and eighteen.

Each institution of secondary education and each public or private institution of post secondary education shall, at least annually, before or at the start of enrollment, deliver to each person who enrolls as a full time student in such institution a copy of this section and sections seventeen and eighteen.

Each institution of secondary education and each public or private institution of post secondary education shall file, at least annually, a report with the regents of higher education and in the case of secondary institutions, the board of education, certifying that such institution has complied with its responsibility to inform student groups, teams or organizations and to notify each full time student enrolled by it of the provisions of this section and sections seventeen and eighteen and also certifying that said institution has adopted a disciplinary policy with regard to the organizers and participants of hazing, and that such policy has been set forth with appropriate emphasis in the student handbook or similar means of communicating the institution's policies to its students. The board of regents and, in the case of secondary institutions, the board of education shall promulgate regulations governing the content and frequency of such reports, and shall forthwith report to the attorney general any such institution which fails to make such report.

Approved January 5, 1988.

Picketing Code

1. All students, undergraduate and graduate, have a right to demonstrate on University premises provided, however, that no such demonstration shall be permissible which for any reason of time, place, or type of behavior materially disrupts class work or other University business, or involves substantial disorder or invasion of the rights of others.
2. Campus buildings are for university business. Any form of demonstration that interferes with university business in office or classroom spaces is a violation of this Code.
3. Students are prohibited from blocking free entry to or free exit from buildings, interfering with free movement, or presenting obstacles to regular University activities. "Interfering with free movement" is defined as any physical denial or restriction of a person's ability to freely reach or leave a given geographical area, or harassment as defined in the Code of Student Conduct. "Obstacles" are defined as physical devices, bodies, or signs which cause interference with free movement, or sounds which prevent normal aural communication.
4. There shall be no interference with demonstrations on the grounds of content of speech, except for any speech or demonstration which incites immediate, violent action and represents a clear and present danger to the campus community, which shall be a violation of this Code.
5. No student shall intentionally and substantially interfere with the freedom of expression of another person on University premises or at University sponsored activities.
6. Failure to cease any activity in violation of this Code immediately following either written or oral notice by a University official shall also be a violation of this Code.
7. Any violation of this Code may subject a student to expulsion from the University or such lesser sanction(s) as may be deemed appropriate by the University.

(Revised February 2005)

Smoke-Free Policy

The University of Massachusetts Amherst shall be smoke-free in all public and individual work areas.

The following areas shall be smoke-free:

- a. All classrooms, stairwells, rest rooms, public areas, food service areas, food preparation areas, waiting rooms, visitor reception areas, lobbies, entrance ways and auditoriums or similar large congregating areas.
- b. All work sites, including individual faculty and administrative offices.
- c. All rooms in which business meetings are regularly conducted, or in which a business meeting is in progress.
- d. University Health Services, which is entirely smoke-free as of June 1, 1992, consistent with the appropriate accreditation standards for health-care facilities.
- e. State vehicles in which any occupant is a non-smoker.

Smoking is allowed only in:

- a. Designated guest rooms of the Campus Center hotel.
- b. Certain University owned or leased individual rooms and apartments, including Residence Halls in accordance with policy established by Housing Services.

Compliance

The Chancellor, through the Deputy Chancellor, Vice Chancellors, Deans, Directors and Department Heads, is responsible for compliance with this policy. The Division of Human Resources is available to assist Department Heads in addressing related personnel issues. The Division of Environmental Health and Safety may be contact-ed for consultation regarding the interpretation and implementation of the policy. The University is committed to resolving all issues of non-compliance. Individuals do have the right, as provided by state law, to file a written complaint with the responsible Director or Department Head. The Director or Department Head has fifteen days to respond in writing to the complainant, including a statement about how the problem will be resolved. The Director or Department Head shall file a copy of both the complaint and the response with the Division of Human Resources of the University and with the Office of Public Health, 150 Tremont Street, Boston, MA 02111 (Commonwealth of Massachusetts, Chapter 270, Section 21 & 22, as amended 1988).

Academic Honesty Policy and Appeal Procedure

I. STATEMENT OF POLICY

Since the integrity of the academic enterprise of any institution of higher education requires honesty in scholarship and research, academic honesty is required of all students at the University of Massachusetts Amherst.

Academic dishonesty is prohibited in all programs of the University. Academic dishonesty includes but is not limited to: cheating, fabrication, plagiarism, and facilitating dishonesty. [See Appendix B for detailed examples of behavior that constitutes academic dishonesty.] Appropriate sanctions may be imposed on any student who has committed an act of academic dishonesty. Instructors should take reasonable steps to address academic misconduct. [See Appendix C for some suggested ways to deal with issues of academic integrity.] Any person who has reason to believe that a student has committed academic dishonesty should bring such information to the attention of the appropriate course instructor as soon as possible. Instances of academic dishonesty not related to a specific course should be brought to the attention of the appropriate department Head or Chair. The procedures outlined below are intended to provide an efficient and orderly process by which action may be taken if it appears that academic dishonesty has occurred and by which students may appeal such actions.

Since students are expected to be familiar with this policy and the commonly accepted standards of academic integrity, ignorance of such standards is not normally sufficient evidence of lack of intent.

II. STATEMENT OF PROCESS

These procedures apply to all students and instructors and other instructional staff participating in academic classes, programs, and research projects offered at the University of Massachusetts Amherst, i.e., all graduate, undergraduate, Stockbridge, and Continuing and Professional Education programs including all online/distance learning courses.

The procedures outlined herein are the only official procedures for addressing charges of academic dishonesty. **No school, college, department, instructor, or office on the Amherst campus may impose any penalty for suspected academic dishonesty, nor require a student to appeal, through any other procedure.**

A. The Academic Honesty Office

The Academic Honesty Office is responsible for maintaining records, advising all concerned parties about their rights and responsibilities under this procedure, and convening hearing panels. As process manager, the Office has the discretion to extend timelines; if warranted, the Office may contract timelines (with the agreement of the parties) during sessions outside the regular academic year.

The Academic Honesty Office shall maintain records of all allegations that come to its attention, and of all hearing panel proceedings.

The Academic Honesty Office will provide to the Dean of Students Office, Dean of the Graduate School and Director of Continuing and Professional Education information concerning all sanctions administered to students within their particular jurisdiction pursuant to this procedure. They will treat this information as they do all other disciplinary records.

B. The Academic Honesty Board

There shall be an Academic Honesty Board comprised of a minimum of: eighteen faculty members, nine graduate students, and nine undergraduate students. Instructor appointments shall be made by the Faculty Senate and shall include at least one faculty member from each school or college. Student appointments shall be made by the respective governance bodies, with representation from diverse academic areas. Each appointment shall be for a term of three years. To ensure due process, if a sufficient number of timely appointments are not made by the respective governance bodies, such appointments may be made by the Academic Honesty Office (in consultation with the appropriate governance body where possible). The Board will have authority to consider the matters specified below. Members of the Board will serve on hearing panels as described below.

C. Procedures for Instructors

An instructor who suspects that a student has committed an act of academic dishonesty may not impose a penalty on the student without notifying the student of the suspicion and of the instructor's intended penalty and affording the student the right of appeal. **In pursuing allegations of academic dishonesty, instructors are required to respect the student's right to privacy as provided by the Family Educational Rights and Privacy Act (FERPA).** [See also Section L.]

C-1 Student Conference

1. An instructor suspecting academic dishonesty must offer the student a reasonable opportunity to discuss the situation prior to taking any action.

The instructor should notify a student of his/her suspicion of dishonesty, either verbally or in writing, as soon as possible after the instructor has arrived at that suspicion, and must do so within ten business days. If the notification is by electronic mail, it must be sent to the student's official University e-mail address and may be sent to any other e-mail address provided by the student to the instructor. Notification should also specify how long the student has to respond, but should be no fewer than five business days. If the student accepts the instructor's offer to meet, the instructor may include the department head or designee in the meeting; failure to do so does not invalidate the process.

2. The instructor may conclude that no academic dishonesty has occurred.

Following such discussion, if the instructor is satisfied that no academic dishonesty has occurred, the instructor will evaluate the student's work as though the suspicion of academic dishonesty had never been raised.

3. The student does not respond. If the student does not respond, the instructor may decide either to file a formal charge or not to proceed further.

C-2 Informal Process

The instructor and the student may arrive at an agreement to resolve the matter informally. The instructor and student may agree that there was no intentional breach of the Academic Honesty Policy on the part of the student or that there were circumstances mitigating the seriousness of the offense. They may agree on an informal means of resolving the matter. Informal resolutions could include, for example, redoing an assignment, doing additional work, or a grade penalty (for either the assignment or the course). No student may be forced in any way to agree to a proposed informal resolution of an allegation of academic dishonesty. Informal

resolutions of allegations of academic dishonesty may not be appealed. If a student wishes to contest an allegation of academic dishonesty rather than agree to an informal resolution, the instructor must issue a formal charge. Informal resolutions are to be forwarded to the Academic Honesty Office which will maintain a record of all such resolutions. **Instructors are encouraged to use the form provided in Appendix D to report informal resolutions. A third (and any subsequent) informal resolution will establish a record of academic dishonesty (see Section L) and a University Sanction Hearing (see Section K: Multiple Offenses) will be held to determine whether sanctions should be imposed.**

C-3 Formal Process

If no informal agreement is reached and an instructor wishes to penalize the student, the instructor must file a formal charge and must notify the Academic Honesty Office of the intended penalty. *This begins the formal process.* The instructor may file a formal charge of academic dishonesty by notifying the Academic Honesty Office within fifteen business days of any of the following:

- a) the student admits to the alleged dishonesty, or
- b) the student denies the allegation but the instructor continues to believe that the dishonesty has occurred, or
- c) the student does not respond to the allegation by the stipulated date, or
- d) the student and the instructor are otherwise unable to reach an informal resolution, or
- e) the instructor wishes to impose a sanction not allowed under the informal process.

The instructor must send this written notification to the Academic Honesty Office and should retain a copy. **Instructors are encouraged to use the form provided in Appendix D to file formal charges.** The instructor's notification to the Office must include a statement of the evidence that is the basis of the allegation and the intended sanction. An instructor may impose a grade sanction, including a failing grade for the course. The sanction may not be implemented except as outlined in E:5. If the instructor believes that the alleged dishonesty warrants an additional sanction, the instructor may also recommend to the Academic Honesty Office that a University sanction be imposed, including, but not limited to, a letter of reprimand, University probation, suspension or expulsion. A recommendation for a University sanction must include the rationale for imposing an additional sanction and requires that a hearing be held as outlined in Section E:4. **N.B. If an informal agreement is reached after a formal charge has been forwarded to the Academic Honesty Office, the instructor must immediately notify the Academic Honesty Office in writing that the charge is withdrawn.**

Withdrawal from the course may not be used to avoid a formal charge of academic dishonesty.

D. Notification of Charge of Academic Dishonesty

The Academic Honesty Office notifies the student of the charge and the right to appeal. Upon receipt of the formal charge from the instructor, the Academic Honesty Office will issue an official notification of the charge to the student including the right to appeal, the timelines for doing so, and that the student's failure to appeal will establish a disciplinary record for academic dishonesty. The Office will send this notice and a copy of the charge to the student within five business days of receiving the instructor's formal charge of academic dishonesty. Should the charge proceed to a hearing, the hearing

panel cannot impose a more severe sanction than that specified by the instructor.

E. Appeals of Allegations and Sanctions

1. **The student may appeal the instructor's decision and intended sanction.** If the student denies the allegation of academic dishonesty or wishes to appeal the penalty imposed by the instructor, an appeal may be filed with the Academic Honesty Board. This appeal must be in writing and submitted to the Academic Honesty Office within ten business days of the Office's official notification to the student. The student's notice of appeal should describe in detail any relevant evidence and line of argument. [See Appendix D for a suggested format.] The Academic Honesty Office will notify the instructor of the student's appeal.
2. **A hearing of the appeal will be held within fifteen business days of the notice of appeal.** If the notice of appeal is received by the Academic Honesty Office with fewer than fifteen business days remaining in the semester, the appeal process will begin with the opening of the following semester. The process may, however, go forward during intersession or the summer if the student so requests, the instructor can be present, and Academic Honesty Board members are available. Students' and instructors' rights and obligations in the hearing process are described below.
3. **If the student does not appeal an instructor's allegation or intended sanction, the sanction will be implemented.** If a student does not file an appeal by the date specified in the Notification of Charge of Academic Dishonesty (see Section D), no hearing will be held, and the Academic Honesty Office will facilitate the implementation of the sanction by notifying the appropriate registrar.
4. **A hearing will be scheduled automatically upon recommendation of University sanction(s).** An instructor may recommend to the Academic Honesty Office that a University sanction (such as a letter of reprimand, University probation, suspension or expulsion) be imposed in addition to a course sanction. In this case, a hearing panel must review the matter and make a recommendation to the Provost or designee (see below).
5. **The Academic Honesty Office will submit the course grade to the registrar if the student does not appeal.** If the student does not file an appeal within the stipulated timelines (see below), the Academic Honesty Office will submit to the appropriate registrar the course grade specified in the written notification to the student on the appropriate form signed by the instructor. **If the student does appeal, a course grade may not be submitted until the appeal process has been completed.** (In place of a grade, the instructor should submit a double underscore on the electronic grade roster).

F. Hearing Panels

When a student files an appeal, the Academic Honesty Office will convene a panel to hear the appeal. The Hearing Panel will evaluate all evidence and arguments presented to it by the student and the instructor, and will inform the Academic Honesty Office of its findings within five business days of the conclusion of the hearing. No evidence in addition to that submitted to the Academic Honesty Office [Section G:1] may be submitted at the hearing without the permission of the chair of the Hearing Panel. The Hearing Panel will keep in confidence all matters which come before it. Its members will not communicate with each other about the nature of the allegations or the appeal prior to the hearing.

A Hearing Panel will be composed of five disinterested members of the Academic Honesty Board. Three will be members of the faculty, and two will be students of the same status (i.e., graduate or undergraduate) as the student in the case. If the instructor is a graduate student, one of the instructor members on the Panel may be replaced by a graduate student who is or has been a teaching assistant or teaching associate on the Amherst campus. One of the faculty members on the Panel shall serve as chair. A hearing may proceed with fewer than five members, but only with the consent of the student and the instructor. For appeals which proceed during the sessions outside the regular academic year, a Hearing Panel will be composed of three members, one of whom must be a faculty member, who will serve as chair, and one of whom must be a student of the same graduate or undergraduate status as the student in the case.

G. Conduct of the Hearing

The Academic Honesty Office is responsible for the reasonable implementation of these rules.

1. **Materials available to participants**: At least seven business days prior to the hearing, the student and the instructor should submit to the Academic Honesty Office copies of any materials they wish the Hearing Panel to consider, so that the Office may distribute them to the other party and the Hearing Panel for review prior to the hearing. Any new materials submitted at the hearing will be accepted only at the discretion of the chair of the Hearing Panel.
2. **Persons present at the hearing**: In addition to the Hearing Panel, only the following persons may be present at the hearing:
 - the student,
 - the instructor(s),
 - Academic Honesty Office staff who will serve as administrative support for the Hearing Panel,
 - an advisor for the student and for the instructor (who may confer with and advise the student or instructor during the course of the hearing, but who may not directly address the Hearing Panel except with consent of the Hearing Panel; the advisor may not be an attorney or an employee of an attorney),
 - witnesses (who may be present at the hearing only when they are presenting evidence),
 - one non-participating observer for each party may be present at a hearing (who may be an attorney or an employee of an attorney),
 - other persons, at the sole discretion of the Hearing Panel.

The Hearing Panel may proceed with the hearing and make its findings even in the absence of the student, the instructor, witness(es), or advisor(s) who fail to appear. However, the Hearing Panel may not base its findings on the fact that a person has failed to appear.

3. **Evidence**: The Hearing Panel shall base its findings on a preponderance of the evidence. The Hearing Panel need not follow the technical rules of evidence, but evidence shall be admitted only if is the kind of evidence

upon which reasonable persons would rely in the conduct of serious affairs. Such evidence might include, for example, documentary evidence such as written assignments, lecture or study notes, quizzes or examinations, and course syllabi, as well as the testimony of witnesses. The Hearing Panel may consider evidence presented by affidavit, giving it such weight as it deems proper. All evidence shall be taken in the presence of all members of the panel and the student and instructor, except where either is absent by default or has waived the right to be present.

4. **Presentation of the case:** The representative of the Academic Honesty Office will make a recording of the hearing. The Board will establish, and periodically review, rules of hearing consistent with this procedure. These rules of hearing [Appendix E] will be provided to the parties prior to the hearing and no later than the materials noted in Section G:1.

H. The Decision of the Hearing Panel

The Hearing Panel will arrive at its findings by simple majority. Findings are final and are binding on all parties unless appealed [see Section J]. If the Panel finds in favor of the student, the instructor must compute the student's grade as though the suspicion of academic dishonesty had never been raised. If the hearing occurs after the semester in which the allegation was raised, the course grade is to be submitted within fifteen business days. If the Hearing Panel finds that the allegations were substantiated, and that the student has committed an act of academic dishonesty, the Panel will determine the appropriate sanction. However, the Hearing Panel may not impose a sanction more severe than the instructor's intended sanction. Any decision by the Hearing Panel to modify the instructor's sanction will require the unanimous agreement of the Hearing Panel and the rationale for so doing shall be explained in the Panel's report.

The chair will issue the written findings of the Hearing Panel, addressed to the Academic Honesty Office, within five business days of the conclusion of the hearing. The report will state the Panel's findings, and, if it finds that the allegations against the student were substantiated, the sanction imposed. The Academic Honesty Office will send a written notification to the student and the instructor within ten business days. In the case of undergraduate students, the Dean of Students will also be notified.

In instances where a University sanction is considered, the proposed sanction will be a recommendation to the Provost or designee who will make a final determination and send a written notification to the student, the instructor, and the Academic Honesty Office within ten business days. In the case of undergraduate students, the Dean of Students will also be notified.

The Hearing Panel may recommend suspension or expulsion only by agreement of 80% of the Hearing Panel. If such agreement is not obtained, a lesser sanction and/or a grade of "F" for the course in question will be recommended.

I. Administration of Sanctions

The Academic Honesty Office will notify the appropriate registrar of the course grade and state that it represents a sanction for academic dishonesty. Where an additional sanction is recommended, the Provost or designee determines the appropriate sanction, taking into account the recommendation of the Hearing Panel, and authorizes its administration (e.g., by directing the registrar to carry out the suspension or expulsion, or directing the removal of a student from academic employment).

A student may repeat a course in which he/she has received a grade sanction for academic dishonesty. However, the grade substitution policy will not apply. The grade submitted as a course sanction will continue to be counted in the student's cumulative grade point average.

Stay of Sanctions - No sanction will be imposed on the student until all appeals have been concluded. All appeals should be resolved within one calendar year of the filing of the original appeal.

J. Appeal Options

The Hearing Panel's judgments are final, and may not be appealed except on the basis of a violation of the rules of hearing or on the basis of new evidence.

Violation of the Rules of Hearing: A violation of the rules of hearing is defined as a failure to comply with the Rules of Hearing such that the failure reasonably may have affected the decision of the Hearing Panel to the harm of the student who has appealed. If either the student or the instructor believes that he or she was denied a reasonable opportunity to present his or her case by the Hearing Panel during the hearing, he or she may appeal in writing to the Provost or designee. This appeal must be made in writing within ten business days of the release of the Provost's or designee's decision and must describe the purported violation of due process. If the Provost or designee finds on behalf of the person making the appeal, the Provost or designee will ask the Academic Honesty Office to appoint a new panel to rehear the case. The decision of the Provost or designee will be based on her/his review of the official record of the hearing (official tape and exhibits). The Provost or designee will rule on the appeal within ten business days of its submission. This procedure shall be deemed to have been exhausted once the ruling of the Provost or designee has been rendered.

New Evidence: In the event that new and compelling evidence not available at the time of the hearing becomes available after the Hearing Panel has rendered its decision, the student may appeal to the Academic Honesty Office for a new hearing. The appeal shall be in writing and shall include a detailed description of the new evidence and an explanation as to why the new evidence should alter the initial decision of the Hearing Panel. The Office will respond to the request within ten business days of its submission. The decision of the Academic Honesty Office on this appeal is final.

K. Multiple Offenses

A student who is found to have committed more than two acts of academic dishonesty - either through admission, failure to appeal, or finding by a hearing panel - may be subject to additional sanctions, including, but not limited to, suspension or expulsion. This provision will also apply to students who have three or more informal resolutions as well as students who have two informal resolutions and one formal finding of academic dishonesty. The Academic Honesty Office will issue a University Sanction Notification and shall convene a hearing panel to make a recommendation on this matter. The student shall be allowed ten business days to prepare for a hearing on a sanction only. At such a hearing, the Dean of Students or the Dean of the Graduate School (or their designees) will place the matter before the Hearing Panel. Sufficient information about the incidents of academic dishonesty at issue shall be given to the Panel such that the Panel is able to make a reasonable determination as to the appropriateness and nature of additional sanctions, if any.

The Hearing Panel will submit its findings to the Provost or designee according to the provisions of Section II:H.

L. Records of Allegations, Appeals, and Sanctions

Allegations and charges of academic dishonesty shall be kept confidential. The fact that a sanction has been imposed may not be used as the basis of any action relative to the student's record outside of this process.

If a student is found to have committed an act of academic dishonesty, the appropriate registrar (graduate, undergraduate, or Continuing and Professional Education) shall be notified of the sanction by the Academic Honesty Office and shall maintain a confidential record of the sanction imposed. Records of academic dishonesty maintained as part of an undergraduate student's discipline file in the Dean of Students Office shall be expunged upon graduation except those which result in University sanctions. Records of academic dishonesty for graduate students are a permanent record. These will include sanctions administered by an instructor without an appeal from the student and sanctions administered based on a finding of a Hearing Panel. Informal resolutions do not establish a discipline record except pursuant to Section K.

APPENDIX A

DEFINITIONS

Terms used in this document have the following associated meanings:

Academic Honesty Office - The office or individual named by the Chancellor or designee to manage the procedures described herein. At the time of the implementation of this procedure, the University Ombuds Office is the Academic Honesty Office. The duties and responsibilities of the Office as defined in this procedure will be incumbent on any office or administrator succeeding the Ombuds Office in this role.

Day - Days shall be understood to be business days within the semester unless otherwise specified.

Hearing Panel - A group of five members of the Academic Honesty Board empanelled to hear appeals of charges of academic dishonesty and requests for the imposition of University sanctions.

Instructor - The person who takes action against the student because of the suspicion of academic dishonesty. This is the faculty member and/or teaching assistant/associate responsible for the course in which the academic dishonesty allegedly occurred, and/or the faculty member supervising the independent academic work of a student.

Provost or designee - At the time of the implementation of this policy, the following were the usual designees: In cases where the student is a graduate student, the Dean of the Graduate School. In cases where the student is an undergraduate student, the Deputy Provost. In cases where the student is enrolled in a course through Continuing and Professional Education and is not a matriculated University student, the Director of Continuing and Professional Education. If the Provost or designee is a party to the case, the Provost shall appoint another person to act in that capacity.

Student - The student or students suspected of academic dishonesty.

Written notification - When notification in writing is required, a suitable record of e-mail transmissions may be used in any situation where privacy rights are not infringed by the use of e-mail according to written University policy and should be sent to the recipient's University e-mail address of record unless another email address has been supplied by the recipient to the sender. It is recommended that the word "confidential" be inserted in the subject line of the message. Hard copies of all e-mail transmissions should be maintained by the sender. Written correspondence not conducted by e-mail will be sent to instructors at their departmental address and to students at their current address as recorded at the University, unless otherwise requested. Formal charges and informal resolutions must be in writing and include original signatures. (Optional forms for submission of charges and resolutions are in Appendix D.)

APPENDIX B

EXAMPLES OF ACADEMIC DISHONESTY

Academic dishonesty is the attempt to secure unfair advantage for oneself or another in any academic exercise. The following is an extensive, though not exhaustive, list of actions which are considered to be academically dishonest. Students should check with their instructor(s) if they have any question as to what is or is not permitted in a specific course. Since students are expected to be familiar with the Academic Honesty Policy and the commonly accepted standards of academic integrity, ignorance of such standards by itself is not sufficient evidence of lack of intent.

CHEATING is the use or attempted use of trickery, artifice, deception, fraud and/or misrepresentation of one's academic work. This includes:

- copying answers from another student
- using books, notes, conversations with others, calculators, cell phones and other electronic devices or any other type of external assistance during an examination or other academic exercise without the permission of the instructor
- collaborating with others on homework, lab reports, computer programs, or other academic assignments without the permission of the instructor
- obtaining the answers to or a copy of an examination prior to its administration

FABRICATION is the falsification or invention of any information or citation in any academic exercise. This includes:

- using "invented" information in any laboratory experiment or other academic exercise of research without permission of the instructor
- altering and resubmitting returned academic work without permission of the instructor
- misrepresenting the actual source from which information is cited (such as citing a quote from a book review as though it came from the original work)

PLAGIARISM is the representation of the words or ideas of another as one's own work in any academic exercise. This includes:

- failing to properly identify direct quotations by quotation marks or appropriate indentation and formal citation
- failing to acknowledge and properly cite paraphrasing or summarizing material from another source
- failing to acknowledge and properly cite information obtained from the Internet or other electronic media as well as other sources
- submitting term papers written by another, including those obtained from commercial term paper companies or the internet

FACILITATING DISHONESTY is knowingly helping or attempting to help another commit any act of academic dishonesty. This includes:

- substituting for another person in an examination
- allowing another to copy one's work in an examination or other academic exercise

OTHER PROHIBITED ACTIONS:

- submitting all or substantial portions of the same work to fulfill the requirements for more than one course without the prior permission of the instructor(s), including self-plagiarism
- forging or otherwise altering grades, transcripts, course withdrawal forms, or other academic document
- illegally accessing a computer hard drive
- stealing or destroying the academic work of another, such as a computer disk, term paper, or notebook

APPENDIX C

SUGGESTIONS FOR INSTRUCTORS ON PREVENTING ACADEMIC DISHONESTY

- Spend time at the beginning of the semester discussing academic integrity, its importance and your particular standards.
- Always address the issue of academic integrity in your course syllabus as well. Cite the University Academic Honesty Policy and be specific about your particular expectations. For example, do you require a specific style for citations? Do you require a bibliography?
- Clarify what you consider to be acceptable collaboration, if any, among students.
- Use coded multiple versions of in-class exams.
- Arrange alternate seating for in-class exams. Ensure that the exam is well-proctored. If at all possible, be present throughout the exam.
- Consider requiring students to show a photo identification when taking an in-class exam.
- Be clear about what is permitted during an examination, including notes, electronic aides, cellular telephones, etc.
- Either collect papers in-class or have students drop them in a secure place. Be specific as to where and with whom papers, exams, and other assignments should be left. Leaving open boxes or envelopes outside your office or other unattended place makes "borrowing" easy.
- Meet occasionally as a department to review common practices related to academic dishonesty.
- Be creative in your choice of assignments and change assignments/exams from year to year (or semester to semester) to minimize the possibility of students successfully utilizing material from previous classes or outside sources (such as "term paper mills").
- Make previous quizzes, exams, etc. available in a central file or on library reserve both to help students study and to become familiar with your style of testing, thus increasing their confidence and ability to perform well.

These are just a few tips for preventing academic dishonesty. There are many sources of guidance available both in print and on-line. A search for "preventing academic dishonesty" will yield many excellent resources.

APPENDIX D

FORMS

Form 1: Report of Academic Dishonesty - Informal Resolution

Form 2: Report of Academic Dishonesty - Formal Charge

Form 3: Appeal of Academic Dishonesty Charge

These forms are included in the following pages.

REPORT OF ACADEMIC DISHONESTY
INFORMAL RESOLUTION

STUDENT NAME _____ ID _____

COURSE _____ SEMESTER/YEAR _____

INSTRUCTOR _____ DEPT _____

E-MAIL _____ TELEPHONE # _____

DESCRIPTION OF INCIDENT: Attach additional pages if necessary

RESOLUTION:

Instructor's Signature _____ Date _____

I have been informed of the Academic Honesty Policy, including the right to a formal charge and the right to appeal formal charges of academic dishonesty and I agree to the resolution described. I understand that a record of this agreement will be maintained by the Academic Honesty Office and that more than two such resolutions may result in a University Sanction Hearing.

Student's Signature _____ Date _____

Please forward this form to:
Academic Honesty Board, c/o University Ombuds Office, 823 Campus Center
Fax: 545-9720

Please call 545-0867 or e-mail: ombuds@ombuds.umass.edu with any questions.

This space for use by the Academic Honesty Office:

Received:

REPORT OF ACADEMIC DISHONESTY
FORMAL CHARGE

STUDENT NAME _____ ID _____

COURSE _____ SEMESTER/YEAR _____

INSTRUCTOR _____ DEPT _____

E-MAIL _____ TELEPHONE # _____

DESCRIPTION OF INCIDENT: Attach additional pages if necessary

SANCTION: _____

**(Please note that no sanction may be implemented nor a grade submitted
until the appeal process has been completed.)**

Contacted student: YES ____ If so, date _____ NO ____

Student has been informed of the Academic Honesty Policy, including the right
to appeal formal charges of academic dishonesty. YES ____ NO ____

Instructor's Signature _____ Date _____

Please forward this form to:
Academic Honesty Board, c/o University Ombuds Office, 823 Campus Center
Fax: 545-9720

Please call 545-0867 or e-mail: ombuds@ombuds.umass.edu with any questions.

This space for use by the Academic Honesty Office:

Charge received:

Notification sent:

APPEAL OF ACADEMIC DISHONESTY CHARGE

NAME _____ ID # _____

LOCAL MAILING ADDRESS _____

E-MAIL ADDRESS _____ MAJOR _____

TELEPHONE _____ CELL PHONE _____

COURSE TITLE/NUMBER _____

SEMESTER _____ INSTRUCTOR _____

BASIS OF APPEAL: Describe below the grounds on which the charge of academic dishonesty or the sanction imposed is being appealed. Use additional pages if necessary. State the type of evidence that will be presented and whether any witnesses will be called.

What days/times can you be available for a hearing? (Please note that hearings are not held in the evening or on weekends.)

Signature and Date

Please forward this form to:
Academic Honesty Board, c/o Academic Honesty Office, 823 Campus Center
Fax: 545-9720

Please call 545-0867 or e-mail: ombuds@ombuds.umass.edu with any questions.

APPENDIX E

ACADEMIC HONESTY BOARD - STATEMENT OF PROCEDURES

(Revised September 2007)

The Academic Honesty Board does not pass judgment on the integrity of either the instructor or student(s) appearing before it. Its task is to make a finding based on the facts presented. Therefore, it is important for instructor(s) and student(s) to submit, prior to the hearing, as much information as they can in support of their point of view. Any new materials submitted at the hearing will be accepted at the discretion of the Chair of the Hearing Panel.

Student(s) and instructor(s) may also bring to the hearing any witnesses with direct and pertinent information. Witnesses may be present at the hearing only when they are presenting evidence.

Instructor(s) and student(s) may also bring to the hearing an advisor with whom the instructor(s) or student(s) may confer during the hearing. The advisor may not participate directly in the hearing. For other persons allowed to attend the hearing, refer to Academic Honesty Policy, II:G:2.)

The hearing will be conducted in the following manner:

The student(s) and instructor (or dean/designee) will be present in the hearing room at the same time.

The instructor (or dean/designee) may speak for ten minutes. Any witnesses for the instructor (or dean-designee) may speak for five minutes each.

Members of the Hearing Panel will question the instructor (or dean/designee) and any witnesses.

The student may speak for ten minutes (each). Any witnesses for the student(s) may speak for five minutes each. Members of the Hearing Panel will question the student(s) and any witnesses.

At this point, the instructor (or dean/designee) and student(s) may address questions and/or responses to the other through the Chair of the Hearing Panel.

The instructor (or dean/designee) and student(s) will be given ten minutes each for closing statements.

The student(s) and instructor (or dean/designee) will leave and the Hearing Panel will discuss the evidence and testimony and render a decision.

Within five business days of the conclusion of the hearing, the chair will issue the written decision of the Hearing Panel, addressed to the Academic Honesty Office which will then notify the parties within ten business days.

The chair of the Hearing Panel has the authority to modify procedures during the course of the hearing to accommodate unforeseen circumstances or needs of the parties or the Hearing Panel.

An audio recording will be made of the hearing.

Guidelines for Classroom Civility and Respect

AN ENVIRONMENT OF ACADEMIC FREEDOM

The University of Massachusetts Amherst strives to create an environment of academic freedom that fosters the personal and intellectual development of all community members. In order to do this, the University protects the rights of all students, faculty and staff to explore new ideas and to express their views. A necessary condition for these pursuits is an acceptance of the spirit of inquiry and a respect for diverse ideas and viewpoints. For true academic freedom to exist, this acceptance and respect must exist in both the overall campus environment and in the classroom.

While the principle of academic freedom protects the expression and exploration of new ideas, it does not protect conduct that is unlawful and disruptive. The University preserves a high standard for members of the community in terms of mutual respect and civility. While each member of the community holds a number of rights, privileges and responsibilities, those individuals who disrespect the rights of others or who act in a ways that discredit themselves or the University may forfeit privileges or receive sanctions. As members of an academic community, we are obligated to be exemplary, both in our behaviors and in our attitudes. This obligation is especially important within the classroom context since this is one of the primary ways that learning and growth are fostered.

EXPECTATIONS FOR CLASSROOM BEHAVIOR

Learning and the exchange of ideas may take place in many settings, including the formal classroom. When students and faculty come together, the expectation is always that mutual respect and civility will prevail to ensure that every student has the optimum opportunity to learn and that each faculty member has the best opportunity to teach. Disruptions of any kind affect the atmosphere of civility that is expected and interfere with the opportunity for learning and growth to which both faculty and students are entitled.

Differences of opinions or concerns related to the class should be welcomed if presented in a mutually respectful manner. The challenging of viewpoints is part of the academic experience, but should occur in a manner that opens up dialogue and does not threaten any member of the learning community.

Each faculty member is responsible for the classroom environment, which includes creating a setting for the safe and open exchange of ideas by all students. Each student is responsible ensuring that his or her own behavior promotes these goals. Disruption of the learning process will not be tolerated and may lead to disenrollment or disciplinary action, as outlined in the accompanying procedures.

PROCEDURES RELATED TO DISRUPTIVE CLASSROOM BEHAVIOR

Course instructors at the University of Massachusetts have the professional responsibility and authority to maintain order in instructional settings, which include but are not limited to classrooms, libraries, group meetings, tutorials, lab sessions, office hours, and off-campus venues. To assure the best presentation of the course material, a course instructor shall determine the manner and times during which students may ask questions, request clarification or express opinions or points of view in the instructional setting.

Student behavior or speech that disrupts the instructional setting or is clearly disrespectful of the instructor or fellow students will not be tolerated. Disruptive conduct may include, but is not limited to:

1. rude or disrespectful behavior
2. unwarranted interruptions
3. failure to adhere to instructor's directions
4. vulgar or obscene language, slurs or other forms of intimidation
5. physically or verbally abusive behavior.

Instructors are advised to keep careful written records regarding any incident of disruptive behavior, including dates, times, names of those present, and details of the incident. Instructors should inform their department chair or supervising faculty and the Dean of Students Office of any such incidents and provide written documentation, if requested. The parties involved, in conjunction with the department chair or supervising faculty and Dean of Students staff, should strive for acceptable solutions or mediate appropriate intervention strategies.

The instructor may disenroll the student by notifying him or her in writing (with copies to the Undergraduate Registrar and the Dean of Students Office) if:

1. a solution cannot be achieved
2. the disruptive behavior continues
3. the student conduct seriously disrupts the learning process.

If disenrolled, a student may appeal to the Dean of Students Office within 5 business days. If the student appeals, the Dean of Students Office staff will keep the instructor, the department chair or supervising faculty and the student informed of the status of any action to be taken.

Dispute Resolution

In addition to the Code of Student Conduct, undergraduates, as well as staff and faculty, have recourse to a number of processes and administrative agencies when attempting to resolve grievances. Several such options are noted below. For general information about other resources contact the Dean of Students Office (545-2684) or the Information Data Bank (545-1555). For academic issues or problems contact the office of your academic dean.

1. **Ombuds Office.**

The Ombuds Office is available to all members of the University community to help resolve University-related conflicts impartially and without judging, rewarding, or punishing parties. Depending on the problem, the Ombuds Office mediates disputes, facilitates communication, investigates claims of unfair treatment or erroneous procedure, listens, advises, and makes recommendations. The Ombuds Office provides information about and referral to grievance procedures. The Office also coordinates the hearing process for academic grievances and charges of academic dishonesty.

Some of the problems with which the Ombuds Office can offer advice or assistance to students include: course/degree requirements; grade disputes; grading policy and practice; allegations of academic dishonesty; sexual, racial, and other types of harassment; delays in services or decisions; conflicts with instructors, employers, or administrative offices; roommate/coworker/classroom conflicts; and other interpersonal disputes.

Records, contacts and communication are normally confidential; in unusual circumstances (which are explained to clients), rare exceptions are made if required by law.

The Ombuds Office is located in 823 Campus Center, tel. 545-0867. Although not required, it is best to call to arrange a convenient time for an appointment.

2. **Sexual Harassment Policy and Procedures.***

The University of Massachusetts Amherst is committed to providing students, faculty, and staff with an environment where they may pursue their careers or studies without being sexually harassed. Sexual harassment of or by any member of the University community is unacceptable and will not be tolerated. It is illegal and constitutes a violation of Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, and Massachusetts G.L.c.151B and 151C. For the purposes of this policy, it is defined as follows:

Unwelcomed sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

- 1) submission to 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 work 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:

- repeated unwanted 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.

This grievance procedure is intended to provide a fair, prompt and reliable determination about whether the University's sexual harassment policy has been violated. Anyone who, at the time of the alleged harassment, was either employed by or enrolled at the University of Massachusetts Amherst may file a complaint alleging violation of this policy. No University employee or student is exempt from the jurisdiction of this policy.

A grievant will have twelve months following an incident to file a complaint unless he or she can show good reason for having that deadline waived. Requests for exceptions to the filing deadline must be made in writing to the Chair of the Sexual Harassment Board.

No individual shall be penalized by the University or by any person for participating in the procedures described here. Any complaints of retaliation should be addressed to the Chair of the Sexual Harassment Board in the Office of Equal Opportunity and Diversity or the Dean of Students (whomever is appropriate), who will advise the grieving party of his or her rights in this matter.

Nothing in these procedures is intended to prevent any individual who prefers to seek an informal resolution from doing so. Informal resolutions include but are not limited to self-help, consultation, and action at the department level; or mediation. Campus agencies which can assist with informal resolutions, in addition to the Equal Opportunity & Diversity Office, include but are not limited to the following: Dean of Students Office, individual department administrators (e.g., department head or chair, program director, adviser, etc); the Ombuds Office; the Mediation Project; the legal counsel; and the Division of Public Safety.

Complainants who are dissatisfied with or do not wish to utilize informal resolution should consult directly with the Office of Equal Opportunity & Diversity. Following appropriate initial consultation with the EO&D Office, the grievance must be submitted in writing to the Chair of the Sexual Harassment Board. The Chair will appoint a fact finder who will thoroughly investigate the complaint. Upon the findings of a thorough investigation by the fact finder, the Chair will decide whether to recommend a hearing before a three-member Hearing Panel. Upon completion of the hearing, the Hearing Panel will make determinations as to whether there was a violation of the Sexual Harassment Policy and make recommendations as to penalty and/or relief to the Chair of the Sexual Harassment Board. The Chair will forward all determinations and recommendations to the Respondent's Vice Chancellor who will make final determinations as to penalty and/or relief.

The Office of Equal Opportunity and Diversity (EO&D) will be responsible for administering this policy and its procedures. However, if the respondent in a formal grievance is an undergraduate student (including Continuing Education students) the Dean of Students will be notified, and a hearing process as described in the Code of Student Conduct will be initiated. (In instances in which a respondent is both an undergraduate and an employee, the Chair of the Sexual Harassment Board shall review the circumstances of the case and determine which grievance procedure is appropriate.) The Associate Chancellor for Equal Opportunity and Diversity or designee will serve as Chair of the Sexual Harassment Board.

Individuals who believe that they have been sexually harassed should contact the Dean of Students Office or the Equal Opportunity and Diversity Office, 243 Lederle Lowrise, 545-3464. These offices can advise the student of the relevant options for resolution available to them.

Family Educational Rights & Privacy Act

I. GUIDELINES FOR THE RELEASE AND DISCLOSURE OF INFORMATION FROM STUDENT RECORDS.

The Family Educational Rights and Privacy Act (Part 99 of Title 34 of the Code of Federal Regulations) allows present or former students at educational institutions access to educational records kept on them, as well as basic protections of privacy of their records. The law does not apply to applicants seeking admission to the University. The law applies to educational records, which are defined as those records that are directly related to a student and maintained by an educational agency or institution.

The law exempts from the definition of "education records," generally, records of instructional, supervisory, and administrative personnel which are kept in the sole possession of the person who made the record and are not accessible or revealed to any other person except a substitute for the maker of the record; records of a law enforcement unit of the University which are maintained solely for law enforcement purposes; records of employees of the University; records which are created or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in his or her professional capacity or assisting in a paraprofessional capacity which are made, maintained or used only in connection with treatment of the student; and records that only contain information about an individual after that individual is no longer a student at the University.

Under the Family Educational Rights and Privacy Act, you have the right to know what types of records relating to students are kept by the University, and to inspect and review any of those records which apply to you. You also have the right to a response to a reasonable request for explanation and interpretation of records which apply to you.

The University will provide the student with a copy of his/her transcript upon written request and payment of a fee as applicable. The Family Educational Rights and Privacy Act does not give you the right to a copy of your records unless failure to receive a copy would make it impossible for you to exercise your right to inspect and review your records. You can also receive a copy, upon written request, of information from your record which you have instructed the University to disclose to another party. If the University transfers records which apply to you to another educational institution, you can receive a copy of those records if you request it in writing.

The Dean of Students Office, 227 Whitmore Administration Building, keeps a list of types of educational records maintained by the University, where they are kept, and who is responsible for them. The Dean of Students Office also has available a description of your rights under the Family Educational Rights and Privacy Act, and procedures to be followed in exercising those rights.

If you wish to see any of the educational records which apply to you, go to the office which keeps the records during regular working hours. Make your request in writing, following the procedures established by the office. If possible, you will have immediate access to your record. In no case will you have to wait more than 45 days. If you are required to wait, the office will tell you when your record will be available. You will have to identify yourself with a picture ID to see your record.

If confidential letters and confidential statements of recommendation were placed in your record before January 1, 1975, they will be removed before you

have access to the record provided the letters or statements are used only for the purpose for which they were intended. If you have waived your right to see confidential letters or statements concerning admission to the University, applications for employment, or receipt of an honor, these letters or statements will also be removed before you see your record. If you believe your record contains information which is inaccurate, misleading, or otherwise in violation of your privacy rights, you have the right to challenge the content of the record. While you cannot challenge the correctness of a grade, you may challenge the accuracy with which the grade was recorded.

If you wish to challenge the content of your record, first try to work the problem out with the person responsible for the record. If this proves unsuccessful, you may request in writing a hearing at which you may present your challenge. Complete information on hearing and appeal procedures is available from the Dean of Students Office, 227 Whitmore Administration building.

II. DIRECTORY INFORMATION.

The University defines "directory information" as a student's name, local address, home address, e-mail address, major, local telephone number, date and place of birth; acknowledgement of a student's participation in officially recognized activities and sports, weight and height of members of athletic teams, date(s) of attendance, degrees, certificates, awards received, student employment status and the most recent previous educational agency or institution attended by the student. The University will make public some or all of this information, unless you specifically request in writing that your prior consent be obtained. REQUESTS BY INDIVIDUAL STUDENTS TO SUPPRESS FROM PUBLIC DISTRIBUTION THE ABOVE-MENTIONED INFORMATION ARE TO BE MADE ANNUALLY TO THE DEAN OF STUDENTS OFFICE, ROOM 227 WHITMORE ADMINISTRATION BUILDING.

The University will not permit access to or release of a student's educational records, or personally identifiable information contained therein (other than directory and public information), to third parties, without the student's written consent, except to the following:

A. Other University officials who have a legitimate educational interest in a student's record. The University defines "University officials" as any professional employee who is head of an office, department, school, college, division, or their specified designee. "Legitimate educational interests" is defined as academic status check or evaluations, research, curriculum evaluation or development, institutional/statistical evaluation and analysis, student placement, public safety, and admission evaluation. The University may disclose, to teachers and school officials in other schools who have legitimate educational interests in your behavior, disciplinary action taken against you for certain kinds of conduct.

B. Authorized representatives of the Comptroller General of the United States, the Secretary of the U.S. Department of Education, authorized representatives of the Attorney General of the United States for law enforcement purposes, and state and local educational authorities.

C. In connection with a student's application for, or receipt of, financial aid, provided that personally identifiable information from the education records of the student may be disclosed only as may be necessary for such purposes as:

- (1) to determine the eligibility of the student for financial aid;
- (2) to determine the amount of financial aid;
- (3) to determine the conditions which will be imposed regarding the financial

aid;

(4) to enforce the terms or conditions of the financial aid.

D. State and local officials or authorities to whom such information is specifically allowed to be reported or disclosed under state statutes adopted before November 19, 1974 if the allowed reporting or disclosure concerns the juvenile justice system and the system's ability to effectively serve the student whose records are released. Such information may be reported or disclosed under state statutes adopted after November 19, 1974 on the same basis as prior to that date if the report or disclosure will assist the juvenile justice system to serve the student prior to any adjudication.

E. Organizations conducting studies for, or on behalf of, educational institutions for the purposes of developing, validating, or administering predictive tests, student aid programs, and improving instruction, provided that the identity of students is not revealed to other than representatives of such organizations.

F. Recognized accrediting organizations carrying out their accrediting functions.

G. In compliance with a judicial order, or pursuant to any lawfully issued subpoena, provided that the University makes a reasonable effort to notify the student of the order or subpoena in advance of compliance therewith. A court or other agency which issues a subpoena for law enforcement purposes may order the University and its officials not to disclose the existence or contents of the subpoena to any person.

H. In connection with an emergency situation, if the knowledge of such information is necessary to protect the health or safety of a student or other persons.

I. Where the disclosure is to parents of a dependent student, as defined in section 152 of the Internal Revenue Code of 1954.

III. TYPES OF RECORDS.

The University develops and maintains several types and varieties of educational records on students. A list of what types of records are maintained by the University, where they are kept, what University official has major responsibility for those records, who has access to those records and why, and what it will cost you to obtain a copy of those records, has been developed. A copy of the complete list is available for your inspection in the following locations:

Vice Chancellor for Student Affairs Office	319 Whitmore Administration Building
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Vice Chancellor for Academic Affairs Office	371 Whitmore Administration Building
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Legal questions concerning the Family Educational Rights and Privacy Act may be addressed to Associate University Counsel, 374 Whitmore Administration Building.

IV. OTHER RIGHTS AND REQUIREMENTS OF THIS LEGISLATION.

In addition to the above, the law sets forth other rights and requirements regarding educational records maintained on students:

A. The University cannot require nor attempt to influence you to waive any rights granted under this legislation, as a condition of admission, receipt of financial aid, or receipt of any other services or benefits.

B. Parents' financial records and related parental financial information shall not be released to students unless authorized by the parents. Any institutional office maintaining such records shall either store such records in a file separate from records subject to review or conspicuously stamp such records "CONFIDENTIAL - NOT TO BE RELEASED TO STUDENT."

Confidential letters and confidential statements of recommendation placed in the education records of the student before January 1, 1975, need not be released to the student as long as the statements are used only for the purposes for which they were specifically intended.

Confidential letters and confidential statements of recommendation placed in the student's education records after January 1, 1975 need not be released to the student if the student has waived in writing his or her right to inspect and review those letters and statements, and those letters and statements are related to the student's admission to an educational institution, application for employment, or receipt of an honor or honorary recognition. If the waiving student requests, the University will give the student the names of the individuals who provided the letters and statements of recommendations.

C. The University must maintain a record, to be kept with the educational records of each student, which will indicate all parties who have requested or obtained access to a student's records, and the legitimate interest that such parties have in obtaining such information. This record will be available only to the student, the University personnel responsible for the maintenance of the records, and those within the University who have legitimate educational interests and as otherwise specifically authorized by the Act.

D. The University must make public notice of the categories of data which it determines to be "directory information" and give a period of time for a student to inform the University that any or all information designated as "directory information" should not be released without his or her consent. Public notice is given by publication in the Daily Collegian at the beginning of each semester.

E. Complaints regarding violations of this act, or its regulations, may be submitted in writing to the Family Policy Compliance Office, U.S. Department of Education, Washington, DC 20202-4605.

Affirmative Action and Non-Discrimination Policy Statement

The University of Massachusetts Amherst prohibits discrimination on the basis of race, color, religion, creed, sex, age, marital status, national origin, mental or physical disability, veteran status, or sexual orientation in any aspect of the access to, admission, or treatment of students in its programs and activities, or in employment and application for employment. Furthermore, University policy includes prohibitions of harassment of students and employees, i.e., racial harassment, sexual harassment, and retaliation for filing complaints of discrimination.

Affirmative Action in employment is required for women, racial and ethnic minorities; special disabled veterans, veterans of the Vietnam era, and any other veterans who served on active duty during a war or in a campaign or expedition for which a campaign badge had been authorized; and individuals with disabilities in order to address the under-representation in the workforce.

Inquiries concerning applicable laws, regulations, and policies should be addressed to the Equal Opportunity and Diversity Office, 243 Lederle Lowrise, (413) 545-3464.

The Associate Chancellor for Equal Opportunity and Diversity or designee is also the Title VI, Title IX, Section 504, and Americans with Disabilities Act Coordinator for the campus. This person will provide information about the University's obligations with respect to the provisions of nondiscrimination statutes including information about the requirements to provide program accessibility for persons with disabilities.

The University is committed to compliance with Title VI and Title VII of the Civil Rights Act of 1964, Title VI of the Civil Rights Act of 1968, Title I and Title II of the Civil Rights Act of 1991, the Equal Pay Act of 1963, Executive Order 11246 (1965), Title IX of the Education Amendments of 1972, and its regulation found at 34 C.F.R. part 106, Sections 503 and 504 of the Rehabilitation Act of 1973 as amended, the Americans with Disabilities Act of 1990, the Vietnam-Era Veterans Readjustment Act of 1974, the Age Discrimination Act of 1975, the Age Discrimination in Employment Act of 1967, the Family and Medical Leave Act of 1993, and with Massachusetts General Laws, Chapters 151B and 151C, and Chapter 149 as amended. Inquiries regarding federal laws may also be directed to: Region I Director, Office for Civil Rights, U.S. Dept. of Education, Room 222 McCormack P.O.C.H., Boston, MA 02109. Inquiries regarding state laws may be directed to: Massachusetts Commission against Discrimination, 436 Dwight Street, Suite 220, Springfield, MA 01103.

Drug-Free Schools and Communities Act

AMENDMENTS OF 1989 PUBLIC LAW 101-226

The University of Massachusetts Amherst, in accordance with both federal legislation and existing University policy, is committed to providing a drug-free, healthful, and safe environment for all faculty, staff and students. The unlawful manufacture, distribution, dispensation, possession or use of a controlled substance, and the unauthorized possession or use of alcoholic beverages on the Amherst campus or as part of any University activity or business off University premises is prohibited. If it is determined that a violation of this policy has occurred, disciplinary action up to and including termination of employment, expulsion of students, and referral for prosecution may result as deemed appropriate. Applicable legal sanctions for the unlawful possession or distribution of drugs and alcohol are summarized in the following section.

The University recognizes alcohol and drug dependency as an illness and a major health problem. Alcohol is the number one drug problem in this country and on campus. Drinking alcohol has acute effects on the body. It impairs judgement, vision, coordination and speech and often leads to dangerous risk-taking behavior. These may include drunken driving, injuries and serious accidents. Nearly half of all accidental deaths, suicides and homicides are alcohol related. The misuse of alcohol is often involved in violent behavior, acquaintance rape, unintended pregnancies, and the exposure to sexually transmitted diseases. Long-term excessive drinking and drug use can lead to a wide variety of health problems in many different organ systems. The use of drugs and alcohol can cause physical and psychological dependence. They can interfere with memory, sensation and perception. Drugs impair the brain's ability to synthesize information. Regular users of drugs develop tolerance and physical dependence often experienced by withdrawal symptoms. The psychological dependence occurs when the drug taking becomes central to the user's life.

Employees who need help with substance abuse problems and co-workers/family members of substance abusers are encouraged to use the University Faculty and Staff Assistance Program (413-545-0350). Services include assessment, referral to professional treatment and self-help programs, an early recovery group and extensive follow-up. All contacts are confidential and conscientious efforts to seek help will not jeopardize any employee's job.

Students with substance abuse problems are encouraged to use the full range of educational and treatment services provided by the University Health Services (UHS). UHS and the Center for Alcohol and other Drug Abuse Prevention offer programs and services for students affected by alcohol or other substance use:

MyStudentBody is an online alcohol education program required for all first-year students and recommended for everyone; visit www.mystudentbody.com.

BASICS (Brief Alcohol Screening and Intervention for College Students) uses a non-judgmental, non-confrontational approach to help students avoid further negative alcohol-related consequences; call 577-5071.

Fresh & Sober provides support for students recovering or seeking recovery from alcohol and/or other drugs; call 577-5188.

Mental Health Services offers individual and group counseling and referrals; call 545-2337.

The **Athletic Health Enhancement Program**, a collaboration of UHS and UMass Athletics, focuses on the alcohol and drug concerns of varsity athletes; call 545-4588.

The **UHS web site** includes current lists of recovery resources, including Alcoholics Anonymous, Narcotics Anonymous, and Al-Anon; go to www.umass.edu/uhs.

For more information, call UHS' Health Education Department, 577-5181.

This information has been compiled and distributed to all members of the campus community to meet the requirements of the Drug-Free Schools and Communities Act. In addition to this policy, other University policies remain in force. These policies are available in the following documents, as appropriate: University Alcoholic Beverage Policy, Code of Student Conduct, Residence Life Policies and Guidelines (in this publication), Faculty Handbook, AFSCME Handbook, Drug Free Workplace Act.

SUMMARY OF LEGAL SANCTIONS FOR THE UNLAWFUL POSSESSION OR DISTRIBUTION OF ILLICIT DRUGS AND ALCOHOL PROVIDED IN COMPLIANCE WITH THE DRUG-FREE SCHOOLS AND COMMUNITIES ACT

Local, state, and federal laws make illegal uses of drugs and alcohol serious crimes. Conviction can lead to imprisonment, fines and assigned community service. A felony conviction for such an offense can prevent an individual from entering many fields of employment and licensed professions.

Cities and towns in Massachusetts, specifically Amherst, prohibit public consumption of alcohol and impose fines for violation. The Metropolitan District Commission also prohibits public consumption of alcohol in its parks. Massachusetts laws prohibit sale or delivery of alcoholic beverages to persons under 21 with a fine of up to \$2,000 and 6 months imprisonment, or both for violations. Misrepresenting one's age or falsifying an identification to obtain alcoholic beverages is punishable by a fine of \$300. A first conviction of driving under the influence of alcohol has a penalty of a \$1,000 fine, one-year revocation of driver's license, up to two years in prison, and mandatory participation in an alcohol rehabilitation program.

Massachusetts has criminal penalties for the illicit use of controlled substances (or "drugs"), with penalties varying with the type of drug. In general, narcotics, addictive drugs, and drugs with a high potential for abuse have heavier penalties.

A law enacted in Massachusetts in August, 1990, imposes a mandatory minimum of five years imprisonment for causing, inducing or abetting a person under eighteen years old to distribute, disperse or possess with intent to distribute controlled substances, or to deliver or possess money in conjunction with such controlled substances.

Possession of drugs is illegal without valid authorization. While penalties for possession are generally not as great as for manufacture and distribution of drugs, possession of a relatively large quantity may be considered distribution. Under both state and federal laws, penalties for possession, manufacture and distribution are much greater for second and subsequent convictions. Many laws dictate mandatory prison terms and the full minimum term must be served.

Massachusetts makes it illegal to be in a place where heroin is kept and to be "in the company" of a person known to possess heroin. Anyone in the presence of heroin at a private party risks a serious drug conviction. Sale and possession of "drug paraphernalia" is illegal in Massachusetts.

Persons convicted of drug possession under state or federal law may be ineligible for federal student grants and loans for up to one year after the first conviction and five years after the second; the penalty for distributing drugs is loss of benefits for five years after the first, 10 years after the second and permanently after the third conviction.

Under Federal law, distribution of drugs to persons under age 21 is punishable by twice the normal penalty with a mandatory one year in prison; a third conviction is punishable by mandatory life imprisonment. These penalties apply to distribution of drugs in or within 1,000 feet of a college or school. Federal law sets greatly heightened prison sentences for the manufacture and distribution of drugs if death or serious injury results from use of the substance.

September, 2007

Miscellaneous Telephone Numbers *

Academic Deans:

College of Engineering (Asst. Dean for Undergraduate Affairs)	5-2035
College of Humanities and Fine Arts Advising Center	5-2192
College of Natural Sciences	5-1969
College of Social and Behavioral Sciences Advising Center	7-1057
Commonwealth College (Advising Services)	5-2483
Isenberg School of Management (Undergraduate Office)	5-5610
School of Education	5-0236
School of Nursing	5-2703
School of Public Health and Health Sciences	5-1303
Undergraduate Advising (Undeclared major or pre-majors)	5-2191
Dean of Students Office	5-2684
Equal Opportunity and Diversity Office	5-3464
Ombuds Office	5-0867
Provost's Office	5-2554
Registrar's Office (Undergraduate)	5-0555
Academic Scheduling	5-2605
University Health Services	7-5000
University Switchboard	5-0111

* For additional information consult Departmental Directory section of the Student Telephone Directory, or call the University Switchboard, 545-0111.

In the Event of Your Arrest

Being arrested is a serious matter. Under the law you have specific legal rights. These rights apply to you both on and off campus. If arrested by a law enforcement agency, you have the following rights:

1. The right to remain silent, since anything you say can be used against you in court;
2. The right to complete one telephone call;
3. The right to speak with an attorney before answering any questions;
4. If you started to answer questions without a lawyer, you have the right to stop answering questions at any time until you speak with an attorney;
5. If you cannot afford to hire an attorney, you may request the court to appoint one;
6. ALL ARRESTS will result in an appearance in court to assure your right to due process in the resolution of any charges made against you.
7. You need not give your permission or consent to a search of your home or automobile; if you give consent or permission any evidence obtained from the search is admissible against you in court.

If you wish to file a complaint regarding what you feel is an impropriety by the University Police, a citizen complaint form may be requested from the Police Department. If you feel you would like to commend the actions of an officer, you may request a commendation form for that purpose. In either case, you will receive immediate attention and you will receive a response.

Questions on any of the immediately preceding information may be addressed to:
Dean of Students Office
UMass Amherst Police Department
Office of Student Attorney General
Student Legal Services Center

Appendix A

Excerpts from University Housing and Dining Hall Regulations

II.D. University Housing and Dining Halls Regulations.

II.D.1a Security Regulations

The maintenance of a safe and secure residence hall environment is the responsibility of each resident. Students are responsible for adhering to the stated policies regarding residence hall security, guests, entrance/exit doors, and maximum room capacity.

II.D.1b Guest in Violation of University Policy

Hosts are responsible for their guest(s) and should accompany them at all times. Hosts may be held responsible for any guest who violates regulations as noted in the *Code of Student Conduct* or in the *Daily Planner for Academic Success*. If the guest is a UMass Amherst student who violates regulations, the guest may be charged for the policy violation. The host may be charged with violation of the guest policy.

II.D.2 Noise Policy

Residents and guests must abide by the courtesy and quiet hours as determined by each cluster. Residents must comply with requests to reduce excessive noise. At no time should any amplified sound be directed out of residents' windows.

II.D.3 Health and Safety Standards

Any activity deemed to be a threat to the health and safety of students is strictly prohibited. Basic health standards are expected around sanitary conditions, hygiene, and appropriate use of bathrooms and common areas. It is an expectation that students will keep kitchen areas, bathrooms, hallways, and their rooms clean. This includes, but is not limited to refrigerating perishable foods, closing containers to avoid attracting pests, cleaning sinks after washing dishes, etc.

II.D.4 Furniture Policy

Each residence hall room is furnished with university furnishings, which must remain in the students rooms at all times. Furnishings need to meet safety standards and be assembled properly. Waterbeds are not allowed in the residence halls. The university does not offer public storage for students. In addition, lounge furnishings must remain in public areas at all times. Residents may be held financially responsible for costs associated with replacing missing furniture and/or removing unauthorized furniture from their rooms.

II.D.5 Window Screen Policy

Window screens must remain on windows at all times.

II.D.6 Candle Policy

Candles, lit or unlit, are not permitted in student rooms. Recreational use of candles is prohibited in all areas of the residence halls. Lit candles are allowed for religious purposes only (in designated areas only) and must be registered in advance as outlined in the Lighting Religious Candles in the Residence Halls agreement.

II.D.7 Pet Policy

The university prohibits pets in the residence halls (except fish in tanks no larger than 10 gallons). Exceptions may be granted for service animals required by students with hearing or sight disabilities.

II.D.8 Bathroom Policy

Students and their guests must use bathroom facilities designated for their sex.

II.D.9 Smoking Policy

Smoking is prohibited in residence halls except in the officially designated space(s) in each building.

II.D.10 Alcohol Policy for Residence Halls and University-Approved Housing

1. No person under 21 years of age may possess, use or be under the influence of alcohol.
2. Providing alcoholic beverages to a person under age 21, whether gratuitously or for sale is prohibited.
3. Intoxication, defined as being under the influence of alcohol or any other psychoactive drug to any extent that requires the attention of university staff, causes a disturbance, or is a danger to persons (self and others) or property, is prohibited.
4. A resident of legal age living in a university residence hall or floor where alcohol is permitted may possess or store a maximum of twelve (12 oz.) bottles/cans of beer, **or** two (750 ml) bottles of wine, **or** one (750 ml) bottle of hard liquor.
5. Quantity-dispensing containers, including but not limited to kegs, punch bowls and beer balls, are prohibited.
6. Drinking funnels, taps, ice luges or similar devices are prohibited.
7. Drinking games or other activities involving rapid and/or excessive consumption are prohibited. Creating, offering, and playing drinking games such as beer pong are considered endangering behaviors and are prohibited.
8. A group of more than 10 people in a residence hall room or suite in which alcohol is present is prohibited. In the North Apartments, this applies when there are more than 14 people in an apartment.
9. Open alcoholic beverage containers (including cups containing alcohol) are prohibited in any public space, including public corridors, stairwells, bathrooms, kitchens, balconies and lounges.
10. Alcohol is not allowed in alcohol-free halls or floors, regardless of one's age. Housing and Residence Life will determine areas designated as alcohol-free.
11. Possession of alcohol containers, whether empty or full, is prohibited for persons under age 21.

II.D.11 Incense Policy

Incense, lit or unlit, is not allowed in the residence halls for fire safety reasons.

II.D.12 Community Living Standards

All residents are expected to be respectful and responsible members of the communities within university residence halls. Students are expected to refrain from actions which prevent individuals from having a safe and respectful community living experience. Examples include, but are not limited to, the following: (1) students must cooperate with university officials acting in performance of their duties; (2) students must refrain from actions that would interfere with a roommate's rights to occupy the room; (3) students must refrain from incivility to staff and/or other residents; and (4) students must refrain from engaging in physical fights.

Appendix B

Procedures for Individuals and Groups to Provide Goods and Services on Campus

The Amherst Campus Providers of Goods and Services Policy (copy available from Auxiliary Services) provides the procedures for the vending of all goods and services on campus. The purpose of the policy is to provide the campus community with reasonable controls to ensure the stability and reliability of the goods and services it receives. Further, the University must ensure that all vendors sell products and operate in a manner that complies with relevant health and safety standards and precludes campus liability issues.

The following procedures apply to individuals and groups wishing to vend goods or services on campus. If the sponsoring organization is a Registered Student Organization, authorization to vend must be obtained from the director of Campus Activities. All other sponsoring groups, organizations, clubs or individuals must obtain authorization from the Director of Auxiliary Services before offering goods or services for sale on the Amherst campus.