

University of
Massachusetts
Amherst

Code of Student Conduct

Effective July 1, 2019

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1. Introduction

The University of Massachusetts Amherst is a scholarly community united by its engagement in the exchange of ideas and the advancement of knowledge. By establishing expectations for the community, the Code of Student Conduct (Code) serves as an integral part of the University's educational mission. The processes set forth in the Code involve reflecting on decisions and improving decision-making skills.

The Code describes principles for living and acting responsibly in a community setting, with respect for the rights of all members of that community, and for their property, common resources, and values.

The purpose of the Code is to reinforce and encourage the development of good decision-making as well as personal and group integrity and to teach these skills where lacking.

The Code provides opportunities for restorative responses and educational outcome. These responses and outcomes are intended to meet the needs of those impacted and to facilitate active accountability in order to maintain a campus environment of dignity and respect in which students understand the impact their actions have on the campus community.

It is the University's goal that, students engaged in the conduct process, will leave that process as better-educated students, better members of the University community, and better global citizens.

2. General Information

2.1 Jurisdiction and Authority

- a) The Vice Chancellor of Student Affairs and Campus Life, or designee, oversees the student conduct process, is authorized to enforce the Code, and may appoint hearing and appeals officers. The Vice Chancellor of Student Affairs and Campus Life, or designee, is responsible for periodic review and update of the Code.
- b) The Code applies to student conduct that occurs at UMass Amherst and its properties, at the other four colleges within the Five College Consortium (Smith College, Amherst College, Hampshire College, and Mount Holyoke College), or at any event sponsored by any of these institutions.
- c) The University reserves the right to take action based on any student conduct, regardless of location.
- d) The Code applies to behavior that occurs online, via email, and through any other electronic or social media. Students should be aware that online postings, such as blogs, web postings, chats, and information on social networking sites are in the public sphere and can subject a student to allegations of Code violations. The University may take action when such information is brought to its attention.
- e) For the purposes of student conduct, the University considers an individual to be a student when they are accepted or enrolled in a University course or program. Each student shall be responsible for their personal conduct from the time of admission through the awarding of a degree, including but not limited to, conduct which occurs before classes begin, after classes end, during the academic year, and during any other time between the date on which the University accepts or enrolls the student and the date on which the student is awarded a University degree.
- f) The Code applies to any Student Group. Student Group behavior may be addressed by any university department or unit and/or the Code.
- g) Student Groups, as well as their members and other students, may be held collectively and/or individually responsible for violations. The officers or leaders of a Student Group may be held collectively and/or individually

responsible when such violations are committed by persons associated with the Student Group who have received consent or encouragement from the Student Group's officers or leaders or if those officers or leaders knew or should have known that such violations were being or would be committed. The university may direct officers or leaders of a Student Group to take action intended to prevent or end such violations by the Student Group or by any persons associated with the Student Group. Failure to comply with a university directive may be considered a violation of the Code, by both the officers and/or leaders of the Student Group and/or by the Student Group itself.

- h) If a student withdraws, the University reserves the right to initiate and/or resolve any pending conduct matters.
- i) Administrative holds affecting registration transactions and the posting of a degree may be placed when a student fails to fulfill terms of conduct obligations. Such situations may include failure to respond to a written notice, failure to schedule and/or attend scheduled meetings, and/or failure to complete imposed conduct sanctions.
- j) In the event of serious alleged code violation(s) committed while still enrolled, but reported after a student has graduated, the University reserves the right to initiate a conduct process. If the former student is found responsible, the University may revoke the student's degree and/or impose other outcomes.

2.2. Scope

2.2.1. Administrative Units

Policy violations or non-compliance with other university rules including, but not limited to, Residential Life, Campus Recreation, Academic Honesty Policy, University Store, Transportation Services, Office of Information Technology, and other administrative units, may be addressed primarily by those respective offices using process and procedure set out by those administrative units.

2.2.2. Student Conduct & Community Standards

Cases of behavior or allegations of behavior that could result in expulsion, suspension, suspension deferred, housing removal, and/or housing removal deferred will be handled primarily by the Student Conduct & Community Standards Office. These behaviors or allegations include, but are not limited to, sexual assault, harassment, stalking, domestic violence, bias related incidents, campus disturbances, threatening behavior, fire safety violations, use and/or possession of weapons and fireworks, record falsification, physical assault, operating under the influence, drug and/or alcohol possession or distribution, town or state violations, and matters resulting in a student's arrest or citations by any law enforcement entity including campus police. Additionally, matters that impact the health and safety of the community or its members, matters in which interim restrictions are imposed, matters which impact health and safety considerations, a student's repeated or egregious violations of Code or other University rule will be handled primarily by the Student Conduct & Community Standards Office.

2.3. Notice to Parents/Guardians or Third Parties

- a) Students are adults, capable of making their own decisions, as well as accepting the consequences for those decisions. Except in limited circumstances, it is the student who notifies their parents/guardians or self-selected third parties about being involved in a conduct process.
- b) Conversations are between the University and its students. If a student decides to include a concerned third party in the conduct process, the University's staff will be responsive to the inquiry, to the extent permitted by Family Educational Rights and Privacy Act (FERPA). Except as noted here, the student must submit a

confidentiality waiver in order for the University to engage with the third party. Students must ultimately and forthrightly participate in the process, and the third party cannot serve as a proxy for the student in the process.

- c) The University reserves the right to notify a family member or designated third party without a student's prior consent in health or safety emergencies. Additionally, the Dean of Students, or designee, may involve a family member or designated third party of a student who is in jeopardy of being separated from the University when, in their judgement, such involvement will aid the student in the pursuit of their educational goals.
- d) If a student is found responsible for an alcohol and/or drug violation, parents/legal guardians of dependent students under 21 will be notified. The University may waive parental notification in exceptional circumstances if a student makes a bona fide showing that such notification will create significant hardship, such as potential violence or financial abandonment that may result in withdrawal from the University. All requests for parental notification waivers must be submitted in writing to the Case Administrator.
- e) In cases involving reported acts of violence against person(s), the reporting party(ies) will be notified of the initiation of a conduct process, any restrictions imposed, outcomes, and the opportunity of appeal, subject to applicable Code provisions and governing law.
- f) The Dean of Students, or designee, reserves the right to issue appropriate notification to Reporting Parties and/or persons impacted by the incident(s) when there is theft or damage to property, when a no-contact directive has been issued, and/or when restitution has been imposed.

2.4. Standards

- a) The functions of the university depend on honesty, integrity, and civility among its community members. Accordingly, the University of Massachusetts Amherst expects a higher standard of conduct than the minimum required to avoid disciplinary action.
- b) While many of the University's standards of conduct parallel the laws of society in general, University standards may be set higher and more stringently than those found elsewhere in society. For these reasons, the University focuses primarily on educating students about their behavior, but may impose sanctions up to, and including suspension and expulsion in order to preserve a safe and healthy environment for the University community.
- c) The rules of evidence used in federal and/or state criminal and/or civil proceedings does not apply to Code proceedings.
- d) The standard of proof for deciding responsibility for an alleged Code violation is the preponderance of evidence standard.
- e) Any form of recording and/or streaming of conduct proceedings is strictly prohibited, except as described in the Code.

2.5. Relationship to Other Proceedings

- a) The conduct process may occur prior to, simultaneously with, or following criminal/civil proceedings. Students may be accountable to both civil and/or law enforcement authorities and to the University for behavior that constitutes a violation of both the law and the Code. The conduct process at the University will proceed without regard to the pendency of civil litigation in court or criminal arrest and prosecution. Determinations and sanctions imposed under the Code will not be subject to change because criminal charges arising out of the same core of facts were dismissed, reduced, or resolved in favor of or against the criminal law defendant.

- b) Students may request to delay an administrative meeting or a hearing to secure an advisor. In cases where criminal charges related to the alleged Code violation(s) are pending, a reasonable delay may be granted. Delays may be granted to any party at the discretion of the Case Administrator(s).

2.6. Additions and Amendments

- a) These University expectations are set forth in writing to give students general notice and examples of prohibited conduct. The descriptions should be read broadly and are not intended to define expectations or misconduct in exhaustive terms.

The Dean of Students, or designee, will develop procedures for administration and/or conduct proceedings that are consistent with provisions of the Code. Material deviation from these procedures will generally only be made as necessary and will include reasonable advance notice to the parties involved, either by online posting and/or other written communication.

- b) The University reserves the right to amend any Code provision at any time. The University will publish such amendments in relevant campus publications/websites.
- c) The Dean of Students, or designee, may vary procedures with notice upon determining that a law or regulation requires policy or procedural alterations not reflected in the Code.
- d) The Dean of Students, or designee, may make minor modifications to procedure that do not materially affect the integrity of the process.
- e) Any question of interpretation of the Code will be referred to the Vice Chancellor for Student Affairs & Campus Life or their designee, whose interpretation is final.

2.7. Student Status During Conduct Process

During the conduct process, the status of a student will not be altered. Disciplinary sanctions become effective at the completion of the conduct process.

2.8. Mental Capacity

Any behavior that may have been influenced by a student's mental state or voluntary use of drugs and/or alcohol will not in any way limit the responsibility of the student for the consequences of the student's actions.

2.9. Limitation

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

2.10. Additional Processes

- a) The Student Conduct & Community Standards Office may establish additional informal and/or educational programs to complement the formal conduct process (including restorative justice, mediation, or conflict resolution). The purpose of such programs is to maximize opportunities for student learning and development in behavioral management, conflict resolution, self-awareness, ethics, and integrity.
- b) The University reserves the right to have legal counsel present during any conduct proceeding. When counsel will be present, the University will notify all parties involved in advance.

2.11. Distribution of the Code

Students are provided a copy of the Code annually in the form of a link on the University website. Printed copies are available upon request from the Student Conduct & Community Standards Office. Students are responsible for reviewing and abiding by the provisions of the Code.

2.12. Definitions

For purposes of interpreting words and phrases not otherwise defined in the Code and/or other University policies, every day and common usages and understanding shall apply. Additional definitions may be set forth in corresponding campus policies.

- a) Administrative Meeting: A meeting between a Respondent and a Case Administrator(s).
- b) Advisor: Any person selected by an individual involved in the conduct process to support and provide guidance during the conduct proceedings.

Advisors may only act in an advisory capacity and may not represent the person or otherwise speak on behalf of the person in any meetings or hearings.

An Advisor may not be a witness or otherwise have any conflicting role in the process.

While the Advisor may be an attorney (paid at the individual's own expense), attorneys assisting students must not be employees of the Student Legal Services Office supported by University funds.

Any person who serves as an Advisor should make themselves available for meetings throughout the process.

Any person who elects to be accompanied by an Advisor should notify the Case Administrator(s) at least two (2) business days in advance of any scheduled meetings or hearings.

Any Advisor who disrupts conduct proceedings or who is determined by the University to have a conflict of interest as an Advisor may be removed and/or excluded from serving as an Advisor. The University determines what constitutes disruptive behavior and/or conflicting role on the part of an Advisor.

- c) Business Day: A day when University administrative offices are open.
- d) Campus: Property or facilities owned, leased, used, controlled, or managed by the University of Massachusetts Amherst, regardless of the location.
- e) Case Administrator: A staff member designated to review student conduct referrals and determine if a violation of the Code has occurred.
- f) Faculty Member: Any person employed by the University to conduct teaching and/or classroom activities or who the University otherwise considers a member of the faculty.
- g) Information: Any information presented to the University, whether submitted by individuals involved, Witnesses, and/or derived from documents and/or other sources.
- h) Preponderance of Evidence: The standard of proof used to determine whether it is more likely than not that a Code violation occurred.

- i) Procedural Advisor: A University Official designated to ensure University Hearing Board procedures are followed.
- j) Property: Belongings, building and their fixtures, 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.
- k) Referring Party: Any person, administrative office, or other group/organization that submits a student conduct referral, but is not directly impacted by the alleged violation(s) of the Code.
- l) Reporting Party: A person submitting an initial student conduct referral and/or a person who is impacted by the alleged misconduct. In some instances, the University may serve as the Reporting Party.
- m) Respondent: A student or Student Group who is the subject of a report or complaint of misconduct.
- n) Sanction Review: A meeting between a Respondent and Case Administrator to review imposed conduct sanction(s).
- o) Student: Any person accepted or enrolled in a University course or program, from the time of acceptance or enrollment through the date on which the student is awarded a University degree.
- p) Student Conduct Referral: Information that forms the basis for the alleged violation of the Code including, but not limited to, police reports, incident reports, statements and/or other documents.
- q) Student Group: A Student Group includes Registered Student Organizations, Graduate Student Organizations, agencies, athletic teams or clubs, musical or theatrical organizations, groups established within academic units, and any number of individuals associated with the University and one another, but who have not registered, or are not required to register, as student organizations.
- r) University: The University of Massachusetts Amherst.
- s) University Appeals Board (UAB): A panel of three to five (3-5) individuals consisting of faculty, staff, and/or students responsible for reviewing appeals as described in the Code.
- t) University Hearing Board (UHB): A panel of three to five (3-5) individuals consisting of faculty, staff and/or students responsible for participating in hearing and making determinations concerning alleged Code violations.
- u) University Hearing Board Chair: A member of the University Hearing Board designated by the board to serve as chairperson of a hearing.
- v) University Hearing Board Members: A group of students, faculty, and/or staff members appointed by the Dean of Students, or designee, to review cases and determine if a Respondent violated the Code.
- w) University Official: Any person employed by the University (including, but not limited to, faculty, staff, and student staff members) acting within the scope of their job duties.
- x) Witness: Any person requested to participate in a meeting or hearing because they may have information pertaining to alleged Code violations. Witnesses may be identified by the Respondent, Reporting Party, Referring Party, Case Administrator, or others with knowledge about the alleged Code violation.

3. Student Rights and Responsibilities

At the University of Massachusetts Amherst, students have an opportunity to enjoy and benefit from a vibrant learning environment and a responsibility to contribute positively to keeping it safe, healthy, and enjoyable for all. As a member of the University of Massachusetts Amherst community, students can expect the personal safety of every member of the community to remain of primary importance and that they will engage, learn, work, and grow within an environment that is respectful and inclusive of all. When participating in the conduct process, students have the rights and responsibilities outlined in this Code.

3.1. Responsibilities of Respondents, Reporting Parties and Witnesses

All Respondents, Reporting Parties, and Witnesses in the conduct process have the following responsibilities:

- a) To be honest and forthright in providing information during the conduct process. Presenting false and/or misleading information during the process is a violation of the Code.
- b) To read all communications, ask questions regarding conduct proceedings and procedures, and to identify what assistance they may need.
- c) To represent themselves in all conduct proceedings and communications.
- d) To attend all scheduled meetings, unless alternate arrangements are made in advance.
- e) To maintain the integrity of the conduct process and to refrain from interfering with the process.
- f) To provide information related to the incident(s) under review.
- g) To identify any Witnesses who have information about the incident(s).

3.2. Rights of Respondents, Reporting Parties and Witnesses

All Respondents, Reporting Parties, and Witnesses in the conduct process have the following rights:

- a) To receive written notices as prescribed by the Code.
- b) To have an Advisor, as defined in the Code, present during any conduct proceeding.
- c) To request reasonable accommodations due to disability.
- d) To have reasonable access to review case information, to the extent permitted by the Code and the law.
- e) To be informed of resources available to assist them throughout the conduct process and an explanation of the available reporting and/or resolution options.
- f) To participate and/or speak, or not to speak during the conduct process.
- g) To have the opportunity to address information that may be used in determining a conduct outcome.
- h) To be free from harassment, intimidation, and retaliation concerning the conduct process.
- i) To provide information for consideration during the conduct process, including identification of Witnesses.

3.3. Reasonable Accommodation for Individuals with Disabilities

- a) Any person with a disability who is involved in the conduct process has the right to request reasonable accommodation(s) in order to ensure their full and equal participation.
- b) Individuals affiliated with the University wishing to request reasonable accommodation(s) should make those requests directly to the Disability Services Office.
- c) Individuals do not have to disclose information about the conduct matter to the Disability Services Office to request reasonable accommodation(s), except to the extent that it may assist in the determination of reasonable accommodation(s).
- d) Individuals not affiliated with the University should submit requests for reasonable accommodation(s) in writing to the Case Administrator and may need to provide supporting documentation regarding their request.
- e) Accommodations are determined and implemented on an individual basis by the Disability Services Office Staff and/or the Case Administrator.

4. Regulations for Student Conduct and Scholarship

Students are expected to be honest and respectful in all of their interactions with the faculty, staff, and students of the University. Students are expected to uphold a high standard of civility and to be responsible along with all members of the University community to ensure a safe and healthy campus. Students are expected to demonstrate respect for all members in the University's richly diverse community. The University has special concern for incidents in which individuals or groups are subject to physical assault, harassment, threats, or intimidation because of membership or perceived membership of a particular racial, religious, gender, gender identity, gender expression, sexual orientation group, color, national origin, disability or veteran status. Such incidents impact not only individuals, but also the free and open academic environment of the University.

4.1 Policies and Prohibited Conduct

4.1.1. Integrity, Personal Identification, and Representation

The following are examples of behaviors that violate the Integrity, Personal Identification, and Representation section of the Code:

- a) **Academic Dishonesty:** Concerns of academic misconduct are reviewed in accordance with Academic Regulations and/or the Academic Honesty Policy.
- b) **Misrepresentation**
 - i) **Personal Misrepresentation:** 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. This includes, but is not limited to, altering, possessing, manufacturing, distributing, lending, use and/or attempted use of false identification. A UCard falling into any of these categories may be confiscated by any student, staff, or faculty member in the course of their job duties.
 - ii) **Official Misrepresentation:** Representing the University, any Student Group, or any official University entity without the explicit prior consent. 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 and trademarks.

- iii) Misrepresentation for Personal Gain: Misuse of purchasing authority, accepting unearned funds, and/or submitting false time sheets.
- iv) Misrepresentation of Information: Furnishing false information to University officials acting within the scope of their job duties. This includes dishonesty or misrepresentation in the conduct process. This shall not include disputing the allegation(s).
- v) Tampering/Unauthorized Access of Records: Unauthorized accessing, forgery, alteration, or misuse of any individual's or University documents and/or records. Knowingly submitting false information for inclusion into records is considered tampering with the official record system.

4.1.2. Civility, Safety, and Environmental Health

The following are examples of behaviors that violate Civility, Safety, and Environmental Health section of the Code:

4.1.2.1. Campus Safety

- a) Physical Assault: Physical contact with another person that causes that person to suffer physical injury.
- b) Threatening Behavior: Threats of physical harm to any person or any behavior that puts another person in objectively reasonable fear for their physical safety, and/or results in minor or reactive physical contact with another person.
- c) Harassment: Repeated or pervasive use of written, verbal, or electronic expression or physical act(s) or gesture(s), or any combination thereof, directed at a person that places that person in reasonable fear for their physical safety or interferes with the ability of a person to work, learn, live, participate in, or benefit from the services, activities, or privileges provided by the University.
- d) Reckless Behavior: Endangering the safety of persons (self or others) or property.
- e) Weapons and/or Dangerous Materials: Possession, storage, or use of weapons/dangerous materials including, but not limited to, facsimiles of weapons, firearms, compressed-air guns, pellet guns, nun chucks, brass knuckles, paint ball guns, pepper spray/mace, swords, fireworks, explosives, or chemicals which are corrosive or explosive on University owned or affiliated property except as expressly permitted by the University. Any object, including those mentioned above, used to intimidate, threaten, harm, and/or provide force can be considered a weapon under this provision, whether used on or off campus.
- f) Interference with Fire/Medical Emergency: Falsely reporting a fire or medical emergency or other dangerous condition, or any interference with the response of any emergency personnel.
- g) Fire Safety/Hazard Creation: The willful and/or reckless creation of a fire hazard or fire, failing to evacuate after a fire alarm has sounded or other notice has been given, and/or tampering with, damaging, or misusing any fire safety equipment. This includes, but is not limited to, fire alarms, smoke detectors, fire extinguishers, emergency exit systems, and/or fire alarm/sprinkler systems.
- h) Retaliation: Any form of action, adverse treatment, or threat of action or adverse treatment against any individual for reporting, providing information, exercising one's rights or responsibilities under the Code, or otherwise being involved in the process of responding to, investigating, or addressing allegations of Code

violations.

- i) **Hazing:** Any act that willfully or recklessly endangers the mental, emotional, or physical health and/or safety of any student or other person for the purpose of initiation, admission into, affiliation with, or continued membership in any group regardless of the person's consent to participate. This includes, but is not limited to:
 - i) Brutality of a physical nature including, but not limited to, paddling, whipping, beating, branding, forced calisthenics, and/or exposure to the elements.
 - ii) Coerced consumption of, including, but not limited to, any food, alcoholic beverage, liquid, drug, or any other substance that subjects a person to an unreasonable risk of harm.
 - iii) Acts intended to cause mental stress including, but not limited to, sleep deprivation, transportation and/or abandonment, confinement, forced exclusion from social contact, forced contact that could reasonably result in embarrassment, or any activity that is designed to shame and/or humiliate.
 - iv) Coerced activities including, but not limited to, violation of any laws; violation of University policies, rules, or regulations, and personal servitude.
 - v) Failing to intervene, prevent, discourage, and/or report acts of hazing.
- j) **Gambling:** Gambling of any kind is prohibited on University property.

4.1.3. Disruptive Conduct

The following are examples of behaviors that violate the Disruptive Conduct section of the Code:

- a) **Creating a Disturbance:** A willful interruption or disturbance of the day-to-day operations of the academic or administrative business of the University.
- b) **Disturbing Behavior:** 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 include, but are not limited to, using violence or threatening violence to others, damaging or destroying property, stealing or looting, setting fires, climbing trees or buildings, 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 others.
- c) **Disruptive Behavior:** Conduct that disrupts the academic and social environment of the campus or surrounding areas. Examples include, but are not limited to, disorderly conduct, public intoxication, loitering, disturbing the peace, noise disturbances on or off campus, and/or willful disregard of the University bathroom policy.
- d) **Lewd Behavior:** Exposing one's intimate body parts including, but not limited to, public urination, defecation, and public sex acts.
- e) **Failure to Comply:** Failure to comply with the directions of University officials, including law enforcement or security officers, acting in the good faith performance of their duties. This section is not intended to prohibit the lawful assertion of an individual's Fifth Amendment right against self-incrimination.
- f) **Smoking/Tobacco Use:** Smoking and tobacco use as prohibited in the campus Tobacco-Free Policy.
- g) **Intrusion of Privacy:** Photographing, videotaping, filming, digitally recording, or by any other means secretly viewing, with or without a device, another person or their private information without that person's consent in any

location where the person has a reasonable expectation of privacy, or in a manner that violates a reasonable expectation of privacy. Unauthorized storing, sharing, and/or distribution is also prohibited. This does not apply to lawful security or surveillance filming or recording that is authorized by law enforcement or authorized University officials. These provisions may not be utilized to impinge upon the lawful exercise of constitutionally protected rights of freedom of speech or assembly.

4.1.4. Alcohol and Controlled Substances

The following provisions shall not apply to circumstances in which the person under the influence was given alcohol/drugs without their knowledge or permission or if a report meets the requirements as outlined in the *Minutes Matter: UMass Amherst Medical Amnesty Policy* (See Appendix).

- a) Distribution or Sale of Alcohol: The manufacture, distribution, dispensing or sale of, or the attempted manufacture, distribution, or dispensing of alcohol, in all forms, except as expressly permitted by law. Facilitating access to alcohol to any person under 21 years of age is also prohibited.
- b) Underage Alcohol Misconduct: No person under 21 years of age may possess, use, be under the influence, transport, or be in the presence of alcohol, except as permitted by law or campus policies.
- c) Alcohol Dispensing Containers: Use and/or possession of quantity-dispensing containers including, but not limited to, kegs, beer balls, punch bowls, drinking funnels, taps, and ice luges is not permitted on campus.
- d) Alcohol Open Containers: Possession of open containers of alcohol is prohibited at all times on campus, except as permitted by law or campus policies.
- e) Group Alcohol Violation: Failure of a Student Group to take all necessary steps to ensure that no person under 21 years of age possesses or consumes alcoholic beverages at functions it sponsors on or off campus, or within any property or transportation it owns, operates, and/or rents.
- f) Controlled Substances/Drugs: The manufacture, distribution, dispensing, possession, use, or sale of or the attempted manufacture, distribution, dispensing, or sale of controlled substances identified in federal/state law or regulation. This includes misuse, sale, or distribution of prescription or over the counter medication.

Although Massachusetts law permits the use of medical/recreational marijuana, federal laws prohibit the use, possession, and/or cultivation of marijuana at educational institutions. Federal laws also require any institution of higher education that receives federal funding to have policies prohibiting the possession and use of marijuana on campus. The use, possession, or cultivation of marijuana for medical and/or recreational purposes is therefore not allowed on University property.

- g) Inhalants: Intentionally or recklessly inhaling or ingesting substances (e.g. vaping, nitrous oxide, hookah use, glue, paint) that will alter a person's state of mind.
- h) Possession of Drug Paraphernalia: Objects used, primarily intended for use, or designed for use in ingesting, inhaling, or otherwise introducing controlled substances/drugs into the human body including, but not limited to, pipes, water pipes, bongs, roach clips, and vials.
- i) Hypodermic Instrument(s): The unauthorized possession of a hypodermic syringe, hypodermic needle, or any instrument adapted for the administration of controlled substances/drugs by injection. Students authorized to have hypodermic instruments on University property must make arrangements with medical service providers to properly dispose of such instruments.
- j) Self-Safety: Being unable to exercise care for one's own safety because one is under the influence of alcohol, drugs, and/or mind-altering substance(s).

4.1.5. Care of Property

The following are examples of behaviors that violate the Care of Property section of the Code:

- a) Theft/Damage to Property: Theft, unauthorized possession, removal of, defacing, tampering, damage to, and/or destruction of property including possessing property that can reasonably be determined to have been stolen from the University, another person, a business, or an organization.
- b) Unauthorized Access/Presence/Use of Property: Unauthorized access, presence in, or use of facilities or property. This includes unauthorized use, distribution, duplication, or possession of any key or other access device issued by the University.

4.1.6. Sexual and Gender-Based Harassment, Sexual Assault, Sexual Exploitation, Intimate Partner Violence, Stalking, Complicity and Retaliation

Policies and prohibited conduct are set forth in the University of Massachusetts Policy Against Discrimination, Harassment, and Related Interpersonal Violence

4.1.7. Residence Hall Policies

Violation of Residence Halls Policies is also a violation of the Code.

4.1.8. Other Violations

The following are examples of other violations of the Code:

- a) Violation of University Policies and Regulations: Violation of any University policy and/or procedures of University of Massachusetts Amherst, including those established by Student Engagement & Leadership and/or those established by academic departments/units.
- b) Failure to Comply with Sanction(s): Failure to complete conduct sanctions whether by refusal, neglect, or any other reason by established deadlines.
- c) Violations of Law: Any behavior chargeable as a violation of law, whether or not charges are brought by civil authorities, when such behavior(s) occurs on university property, or at university-sponsored activities or events, or when such conduct distinctly and directly affects the university community and/or the pursuit of its objectives regardless of where it occurs.

5. Procedures Regarding Conduct Resolution

The resolution of conflict involving students is an educational endeavor. All members of the community are expected to report all violations of the Code to Student Conduct & Community Standards Office and to maintain appropriate privacy for investigations and proceedings. The privacy of all parties involved is treated with the utmost respect. Conduct records are only shared with appropriate University and non-University officials consistent with the Code and governing law.

5.1. Conduct Procedures

5.1.1. Referrals, Investigation, and Charges

- a) A member of the University of Massachusetts Amherst community may submit a student conduct referral if they believe a student or student group has violated the Code. Student Conduct & Community Standards Office

may also receive referrals from external entities, including law enforcement and members of the general public.

Upon receipt of a referral, the Student Conduct & Community Standards staff will review all relevant information and may consult with appropriate parties regarding the incident(s). This may include interviewing involved parties and Witnesses and a review of other information.

- b) Individuals are strongly encouraged to submit student conduct referrals as soon as possible after an incident. The longer an individual waits to report an incident, the more difficult it becomes for University officials to obtain information, witness accounts, and make determinations regarding alleged violations. Thus, it is encouraged that a student conduct referral be filed within a year after discovery of the alleged violation and/or the identity of the student(s) involved.
 - i. Individuals may not submit student conduct referral(s) to Student Conduct & Community Standards anonymously. If an individual makes an anonymous report to other university departments, including the [UMass Police Department](#), the University's ability to respond to reports may be limited. The University will, however, take whatever steps it deems appropriate and in the best interests of the University community, consistent with the information available.
 - ii. Reporting Parties may also consult [confidential campus resources](#) in exploring reporting options.
- c) The University reserves the right to initiate a conduct process at any time.
- d) The University presumes that reports of alleged misconduct are made in good faith.
- e) It is the responsibility of the Student Conduct & Community Standards staff to determine the appropriateness of the referral, as well as how the referral will be processed. A referral will only be processed if there is reasonable cause to believe the Code or a policy has been violated. Reasonable cause is defined as some credible information to support elements of the violation, even if that information is an individual's statement.
- f) Upon review of a referral, interim restrictions may be imposed as described in the Code. If deemed appropriate, the University may initiate a conduct process. Reported misconduct will be reviewed in accordance with the policies in place at the time of the incident(s). The procedures in place at the time of the student conduct referral will be followed to resolve the matter.
- g) If a Respondent withdraws from the University after the initiation of a conduct process, the University may still proceed to resolve the conduct case. The University reserves the right to initiate a conduct process when it receives notice of misconduct committed while the student was still enrolled but reported after they have withdrawn or graduated.
- h) If a conduct case is not initiated, but there is concern about the reported behavior, a notice may be sent indicating the behavior does not align with University's behavioral expectations and if such behavior is repeated, they may be subject to the conduct process.
- i) If a conduct case is not initiated, but in the judgment of the Student Conduct & Community Standards staff, grounds exist to believe that the student or student group would benefit from education on a topic related to the reported behavior, a student or student group may be assigned to complete an educational process or program to address the concern. Failure to complete the educational process or program may result in an initiation of a conduct process.
- j) Compliance with the procedures outlined in the Code is required of all parties. Should the Reporting Party, Respondent, and/or a Witness fail to comply, the University will continue to investigate the report and determine an outcome based on the available information. Compliance as it relates to all individuals and

parties involved in the conduct process means cooperation with reasonable requests made by the Student Conduct & Community Standards staff in connection with an investigation.

5.1.2. Notices

5.1.2.2. Notice of Inquiry (NOI)

Prior to the initiation of a formal conduct process, a Respondent may receive a NOI informing them of the referral, requesting a meeting to discuss the information received and resolution pathways.

5.1.2.3. Notice of Charge (NOC)

Upon initiation of a conduct process, the Respondent(s) will receive a NOC and will have two (2) business days to call to schedule an Administrative Meeting. The NOC will contain a summary of information received and the alleged violations. The NOC will also indicate if the case could result in sanctions of housing removal deferred, housing removal, suspension deferred, suspension, or expulsion from the University if the student is found responsible for the alleged Code violation(s).

5.1.3. Interim Restrictions

- a) The Chancellor, the Vice Chancellor for Student Affairs, the Dean of Students, or designee, may impose interim restrictions upon a student or student group pending the outcome of conduct proceedings. Interim restrictions become effective immediately without prior notice when, in the professional judgment of a designated University official, the Respondent represents an imminent threat to others, is facing allegations of serious misconduct, to preserve the integrity of an investigation, to preserve University property, and/or to prevent disruption of, or interference with, the normal operations of the University.

The following is a partial list of Code violations in which interim restriction(s) may be imposed:

- Bomb threat or knowingly issuing a false bomb warning
 - Disruption of scheduled University activities
 - Violence against persons or property
 - Repeated and persistent harassment of any member of the community
 - Sale or distribution of, or aiding or assisting in the sale or distribution of, any controlled substance
 - Possession of a firearm or any other dangerous weapon
 - Participation in a riot or civil disorder
 - Fire Safety concerns
 - Hazing
- b) Interim restrictions are administrative directives intended to ensure the safety of the University and its community members and prevent a situation from further escalating. Interim restrictions may be imposed or modified at any point after a referral is received and may include, but are not limited to, the following:
 - Re-assignment of University-approved housing
 - Restriction/limitation of access to campus premises, University-approved housing, University-sponsored activities and events, and/or other campus facilities by time and location

- The requirement to secure advance authorization to engage in a specified activity
 - No Contact Directives
- c) Following the imposition of interim restrictions, the Respondent will have two (2) business days to schedule a meeting. At the meeting, the Respondent will have an opportunity to share their account of the incident(s) under review and/or request for a modification of imposed interim restrictions. The Case Administrator will determine whether the interim restrictions will continue or be modified. Any modification will be communicated in writing.
- d) Violation of interim restrictions will be treated as a failure to comply with the direction of University officials and may lead to a new conduct case. Violations of interim restrictions may result in a separation (suspension or expulsion) from the University.

5.1.4 Information Received

- a) The Case Administrator(s), is primarily responsible for gathering information concerning the matter. However, each party will be asked to identify witnesses and provide relevant information, including but not limited to, documents, communications, and photographs. All parties are encouraged to provide all relevant information as promptly as possible. The Case Administrator(s) reserves the right to identify a reasonable deadline for information submission.
- b) The Case Administrator(s) will review all information identified or provided by the parties and will determine the appropriateness and relevance of the information.
- c) In general, a person's medical and counseling records are confidential and not accessible to the Case Administrator(s) unless the person voluntarily chooses to share those records.
- d) Any submitted character references/statements will only be considered by the Case Administrator(s) when determining sanction(s).
- e) The Case Administrator(s) may consult experts who have no connection to the reported incident when expertise on a specific topic or submitted information is needed to gain a fuller understanding of the information.
- f) The Respondent will have the ability to review information used to determine the outcome of their conduct case. Others, including the Reporting Party, may have access to such information in accordance with the Code, federal or state law and/or University regulations.

5.1.5. Administrative Meeting

- a) Administrative Meetings are conducted by a Case Administrator. Administrative Meetings provide the Respondent with the opportunity to share their account of the alleged misconduct, submit information to be considered, identify Witnesses and receive information regarding the conduct process, options for resolution, and the range of sanctions.
- b) If the Respondent fails to appear for a scheduled Administrative Meeting, the meeting may proceed in the Respondent's absence or may be rescheduled at the discretion of the Case Administrator. The Case Administrator reserves the right to schedule an Administrative Meeting when the Respondent fails to respond to notice(s). The Respondent will be notified of the date, time and location of the meeting.

5.1.6 Administrative Meeting Outcomes

After a review of the incident, relevant information, and alleged violation(s), the Case Administrator may delay completion of a review until further investigation is completed. The Case Administrator will communicate with the Respondent at the conclusion of the investigation to review gathered information and determine next steps.

5.1.6.1. Educational and Restorative Outcome

Educational and restorative actions are possible outcomes to an Administrative Meeting. (See 5.3 Sanctions for a detailed list of possible outcomes).

5.1.6.2. Administrative Resolution

Administrative resolutions may occur when Housing Removal Deferred, Housing Removal, University Probation, Suspension Deferred, Suspension, or Expulsion are NOT potential sanctions. The Respondent has no right for further hearing or appeal once an Administrative Resolution is reached.

- a) Not Responsible Finding: After a review of the information gathered, the Respondent may be found not responsible for the alleged Code violation(s). A Case Administrator may also take the following actions in conjunction with a Not Responsible Finding:
 - i. Imposition of an educational intervention including, but not limited to, requiring a Respondent to complete an educational program/assignment to address the Respondent's behavior. The Respondent is responsible for any program-associated costs. Failure to comply with such University directives may result in the initiation of another conduct process.
 - ii. Issuance of a no-contact directive.
- b) Responsible Finding: If the Case Administrator determines that the Respondent is responsible for violating one or more of the policies, the Case Administrator will issue an outcome outlining responsibility and imposed sanctions.

5.1.6.3. Summary Administrative Review

When Housing Removal Deferred, Housing Removal, University Probation, Suspension Deferred, Suspension, or Expulsion ARE potential sanctions the Case Administrator will issue a Summary Administrative Review setting forth responsibility, imposed sanctions, and options for resolving the case.

The Respondent has three (3) business days to request either a Sanction Review or University Hearing Board as outlined below. If a request is not submitted within three (3) business days, the decision stands and is final.

- a) Sanction Review: Sanction Reviews are conducted by the Dean of Students, or designee, who will meet with the Respondent to discuss their rationale for requesting a review of the imposed sanction(s). The Respondent will receive a written outcome letter outlining if the imposed sanctions are upheld or modified.
- b) University Hearing Board: When there are disputed facts and/or a dispute regarding responsibility concerning one or more of the alleged violation(s), the Respondent can request the case be referred to the University Hearing Board.

5.1.6.4. Referral to University Hearing Board

When Housing Removal Deferred, Housing Removal, University Probation, Suspension Deferred, Suspension, or Expulsion ARE potential sanctions, the Case Administrator reserves the right to refer a case to the University Hearing Board upon the conclusion of the investigation. A Respondent can also request their case be referred to a University Hearing Board after an investigation has completed.

5.2. University Hearing Board Procedures

The University will establish a University Hearing Board to conduct hearings concerning alleged violations of the Code.

5.2.1. Composition and Training

- a) Student Conduct & Community Standards Office is responsible for the recruitment, appointment, and training of University Hearing Board members. Student Conduct & Community Standards Office is responsible for taking affirmative steps to appoint diverse and representative board members.
- b) Before appointing members of the University Hearing Board, the Student Conduct & Community Standards Office will solicit recommendations from the campus community, and those recommended will be encouraged to apply.
- c) The University Hearing Board shall be composed of University faculty, staff, and/or students. Each hearing board will be comprised of three to five (3-5) board members.
- d) Student Conduct & Community Standards Office will take affirmative steps to ensure that there is at least one student Hearing Board member on each hearing board. However, in cases when multiple attempts have been made to secure student board members, but no students are available to serve (e.g. during school breaks), the hearing board may be comprised of only staff and faculty board members.

5.2.2. Notification

The Respondent(s) and Reporting Party(ies) will be notified at least five (5) business days prior to the date of the hearing. The standard five (5) business day notice is not required for rescheduled hearings. Hearing Board Notifications will be in writing and include the following:

- a. The specific alleged policy violation(s)
- b. A summary of the allegation(s) including the date and time of the incident(s)
- c. The time and place of the hearing
- d. The University Hearing Board procedures
- e. A list of campus resources available to individuals involved in the conduct process

5.2.3. Hearing Board Requirements

- a. Member(s) of the University Hearing Board shall be impartial.
- b. The hearing will be open only to the Reporting Party(ies), Respondent(s), Case Administrator(s), University Hearing Board members, Witness(es), Procedural Advisor(s), and Advisor(s). Others will be permitted at the discretion of the Procedural Advisor(s) in consultation with University Hearing Board members.
- c. A recording of the hearing will be made by the University Hearing Board. All other recordings are prohibited. Any person(s) eligible to submit an appeal may schedule an appointment to listen to the audio recording in the Student Conduct & Community Standards Office. Student Conduct & Community Standards does not transcribe audio recordings.
- d. All University Hearing Boards follow prescribed procedures. Student Conduct & Community Standards Office is responsible for establishing University Hearing Board procedures.

- e. Each University Hearing Board is assigned a Procedural Advisor who will preside over the hearing and ensure the hearing procedures are followed. The Procedural Advisor will be present for the entire hearing process (including deliberation), and will be responsible for facilitating the hearing and addressing any procedural questions. The Procedural Advisor will not participate in the evaluation of information and/or the determination of a finding.
- f. If parties fail to appear after proper notice, a hearing may be conducted in their absence.
- g. Any person who disrupts a hearing may be excluded from the proceedings.
- h. University Hearing Board members may rely on general knowledge of campus and the general campus for decision making.
- i. The University Hearing Board may rely upon oral and/or written witness statements, written reports, and other documents and information. All information must be submitted in advance of the hearing by established deadlines.
- j. The University Hearing Board will determine whether the Respondent is responsible or not responsible for any of the alleged violations based on a preponderance of the evidence. The determination will be made by a majority vote.
- k. The deliberations of the University Hearing Board will be conducted in private and will remain confidential.
- l. The University Hearing Board will complete a Hearing Board Report outlining the decision regarding the violation(s) and rationale for the decision. The Hearing Board Report will be forwarded to the Dean of Students, or designee, within two (2) business days of conclusion of the hearing.
- m. The Dean of Students, or designee, will wait a minimum of three (3) business days after receiving the Hearing Board Report to render an outcome. During the three (3) business days, parties involved may submit relevant information they wish to be considered in determining sanctions. The Dean of Students, or designee, will render a decision to the Respondent. When applicable, the Reporting Party will be notified of the outcome.

5.3. Sanctions

Sanctions and restorative outcomes preserve individual and institutional integrity and, whenever possible and appropriate, help students to learn from their mistakes, repair harms, and regain their standing in the community. In determining sanction(s), the student's present demeanor; past conduct record; the nature of the offense; the severity of any damage, disruption, injury, or harm resulting there from; character statement; and other factors may be considered.

5.3.1. University Status Sanctions for Students

- a) Academic Sanction: A sanction imposed as a result of an Academic Honesty policy violation.
- b) University Reprimand: A notice advising the student that a violation of the Code has been committed and that further violations may result in more severe sanction(s).
- c) University Probation: Removal of the student from good disciplinary standing. Probation will last for a specified period of time and until specific conditions, if imposed, have been met. Any further violation of the Code during or after the sanction period may subject the student to further sanction(s), including suspension or expulsion.
- d) Suspension Deferred: Suspension Deferred is a designated period of time during which the student is given the opportunity to demonstrate the ability to abide by the community's expectations of behavior as articulated in the Code. If the student is found responsible for any subsequent violation of the Code or fails to complete

imposed sanctions by the deadline, the student may be suspended. Suspension Deferred will imposed for violations serious enough to warrant suspension, but where the specific circumstances of the case mitigate the violation.

- e) Suspension: Suspension is a separation of the student from the University for a specified period of time.
 - i. During the period of suspension, the student may not register or attend classes (either in person or online) at the University of Massachusetts Amherst.
 - ii. The student is restricted from University premises and restricted from participating in or attending University-sponsored activities/events, whether occurring on or off campus, unless the student submits a request in writing at least five (5) business days in advance and receives approval from Student Conduct & Community Standards Office.
 - iii. When a suspension is imposed during the semester, the student is withdrawn from all courses and is responsible for tuition and fees accrued in accordance with the University's tuition and fee schedules.
 - iv. An administrative hold will be placed to prohibit the student from performing any registration transactions during the period of suspension. The hold will not be removed and the student will not be allowed to perform University transactions, including re-enrolling, until the conclusion of the suspension and all sanctions are completed satisfactorily.
 - v. At the conclusion of the suspension and completion of all sanctions, the student may apply for readmission to the University. In order to re-enroll, the student must file an Application for Readmission, including the associated readmission fee, with the Registrar's Office by the appropriate readmission deadline.
 - vi. Application for Readmissions may be supported, with further probationary status or requirement to complete educational assignments, at the discretion of the Dean of Students, or designee.
- f) Expulsion: Expulsion is a permanent separation of the student from the University. The expelled student cannot participate in any University-sponsored activities/events and will be permanently restricted from University property.
 - i. When the sanction of expulsion is imposed during the semester, the student is withdrawn from all courses and is responsible for tuition and fees accrued in accordance with the University's tuition and fee schedules.
- g) Degree Revocation: The University may revoke a degree, certificate, or other academic recognition previously awarded to a student. Notice of any degree revocation will be noted on the student's transcript.
- h) Admission Revocation: The University reserves the right to revoke admission or enrollment when a student submits falsified/forged information during the admission/enrollment process.

5.3.2. Housing Status Sanctions

- a) Housing Reprimand: A notice advising the student that a violation of the Code has been committed and that further misconduct may result in more severe disciplinary action.
- b) Housing Probation: A specified time period during which any further violations of the Code may subject the student to Housing Removal.
- c) Housing Removal Deferred: Housing Removal Deferred is a designated period of time during which the student is given the opportunity to demonstrate the ability to abide by the community's expectations of behavior. If the student is found responsible for any subsequent violation of the Code during the Housing Removal Deferred period, or fails to complete imposed sanctions by the deadline, the student may be

removed from Housing. Housing Removal Deferred is imposed for violations serious enough to warrant a housing removal, but where the specific circumstances of the case mitigate the violation.

- d) Housing Removal: The student is removed from all University-Approved housing permanently or for a specified period of time. When a student is removed, they are also restricted from entering any University-Approved Housing during that time period unless otherwise approved by the Dean of Students, or designee.
- e) Housing Relocation: The student is required to relocate permanently or for a specified period of time to a different residence hall or area.

5.3.3. Non Status Outcomes

In conjunction with any status sanction(s), a student found to have been in violation of the Code may be assigned non-status sanction(s). These include, but are not limited to:

- a) No-Contact Directive: A student is directed to not have contact with a specified person(s) or organization(s). This includes, but is not limited to, comments, words, or gestures in person, through postal mail, email, social networking sites, or by having others (e.g. friends, acquaintances, family members) act on their behalf.
- b) Loss of Privilege: A student is prohibited from accessing privileges generally afforded to students, including but not limited to, attending or participating in University-sponsored activities/events, purchasing parking permits, accessing library resources, using University technology, and/or the ability to have guests in any University-approved housing.
- c) Restriction(s): A student may be restricted from entering one or more University buildings/facilities including, but not limited to, dining facilities, and academic buildings.

5.3.4. Restorative and Educational Outcomes

Restorative and Educational Outcomes include, but are not limited to:

- a) Behavioral Notice: A written notice to inform a student the reported behavior does not align with University behavioral expectations. Any future incident(s) may result in the initiation of a conduct process.
- b) Community Service: Volunteering in the community is a way to be helpful to others, show that one is socially responsible, and rebuild the trust that is lost through misbehavior. Community service should be meaningful and rewarding, potentially serving as a platform for personal development. Community service serves two important goals: making amends to the community and demonstrating good citizenship.
- c) Apology: If the Respondent is in agreement, the Case Administrator may require the student to provide a written apology to impacted parties. Apologies are to include:
 - i. What Happened: A description detailing the harm caused by the incident
 - ii. My Role: An acknowledgment that the student was responsible for the incident
 - iii. How I Feel: An expression of remorse or regret
 - iv. What I Would Not Do: A statement of commitment to responsible behavior
 - v. What I Will Do: A statement of commitment to make amends for the impact of the behavior
- d) Educational Program: Participation or completion of a project, class, or other activity to foster student

development as well as awareness or knowledge relevant to the nature of the behavior, including research papers, personal reflections, workshops, organizing events, designing community education, or preparing an action plan.

The Case Administrator may require the student to attend, present, and/or participate in a program related to the misconduct. It may also be a requirement to sponsor or assist with a program for others on campus to aid them in learning about a specific topic or issue related to the misconduct. Examples of educational programs include, but are not limited to:

- i. Attending Brief Alcohol Screening and Intervention for College Students (BASICS).
 - ii. Attending a workshop with a focus on responsible decision-making, fire safety, and/or bystander intervention, among other items
 - iii. Completing an online module or workshop
 - iv. Completing an alcohol and/or drug assessment
 - v. Writing a research or reflection paper reflecting on the impact of their behavior and/or strategies they may adopt that support behavioral modification.
- e) Referrals to other Offices, Departments, Programs, or Agencies: Attendance at, and completion of any educational programs, interventions, or assessments to which a student is referred.
- f) Follow up Meetings: A student may be required to meet with one or more members of the community for mentoring, support, and reassurance to the community that the student is complying with sanctions and University policies.
- g) Restitution: If a violation involves damage, destruction, or loss of property, monetary restitution may be imposed. Restitution may encompass monetary compensation required of a student who has taken, misused, damaged, or destroyed University, public, or private property or services. Amounts charged to a student may include cost to repair, replace, recover, clean, or otherwise account for the property or services affected. Proof of payment will be required. Restitution agreements seek to meet the needs of those impacted, but may also take into account the student's ability to pay.
- h) Restorative Conference/Circles: If the Respondent(s) and Reporting Party(ies) are in agreement, a structured opportunity for a collaborative, decision-making process, which includes all involved parties and/or community members to address the misconduct. It is an opportunity for the student to accept and acknowledge responsibility for their actions and for all parties to come to an understanding on how to best repair the harm caused by the misconduct.

5.3.5. Student Group Sanctions

Student Group Sanctions include, but are not limited to:

- a) Group Educational or Restorative Sanctions: Student Groups may be required to complete educational or restorative processes including, but not limited to, participation in workshops or trainings, drafting of letters of apology or drafting and implementing a plan of resolution and/or reintegration.
- b) Group Loss or Restriction of Privileges or Activities: The loss of the privilege to participate in an activity or event. Examples include, but are not limited to:
 - i. Restriction from representing the University in any official capacity

- ii. Restriction from participation in University-affiliated programs, events, and/or activities
 - iii. Restriction from the use of University resources (e.g. ability to receive University affiliated funding or utilize or reside in University Housing)
 - iv. Restriction from entry or access to particular locations, premises, or events
 - v. Restriction from hosting programs or events
 - vi. Restriction from co-programming with other groups or organizations
- c) Group Financial Restitution: Restitution is monetary compensation required of Student Groups who have taken, misused, damaged, or destroyed University, public, or private property or services. Amounts charged to Student Groups may include cost to repair, replace, recover, clean, or otherwise account for the property or services affected. Financial Restitution for Student Groups will be assessed to the Student Group as a whole.
- d) Group Reprimand: Notice that a Student Group's actions violated a University policy, such actions are not acceptable in the community, and that further misconduct, or any other violation of a University policy may result in more serious disciplinary action.
- e) Group Probation: A status imposed on a student group for a specified period of time due to the group's behaviors being inconsistent with University policy and expectations. Any policy violations while a student group is on probation may result in sanctions.
- f) Group Suspension: A separation of the Student Group from the University for a specified period of time. The student group and its members are restricted from conducting any activity on or off campus that in any way promote the goals, purposes, identity, programs, membership, or activities of the student group. Once the suspension period has ended, if the student group has met all other terms of the sanction(s), the student group will be permitted to request recognition.
- g) Group Dissolution: The termination of the student group recognition by the University. The student group should cease all activities on or off campus that in any way promote the goals, purposes, identity, programs, membership, or activities of the student group.

5.4 Appeals

The University will establish a University Appeals Board (UAB).

5.4.1. University Appeals Board Composition and Training

- a) The Vice Chancellor for Student Affairs and Campus Life, or designee, may appoint a UAB Chair.
- b) The UAB Chair is responsible for the recruitment, appointment, and training of UAB members.
- c) The UAB will consist of University employees and/or students. Each appeals board will be composed of three to five (3-5) UAB members.

5.4.2. Procedures

- a) A Respondent may appeal the outcome of a Sanction Review or University Hearing Board within five (5) business days of receiving the outcome letter.
- b) When applicable, a Reporting Party may appeal the outcome within five (5) business days after receiving the outcome letter.

- c) Upon reasonable request, the UAB Chair may extend the appeal deadline at their discretion. Extensions will be communicated in writing to all applicable parties.
- d) An appeal must specifically allege and factually support one or more of the following grounds:
 - i. A procedural error or irregularity that materially affected the outcome of the case; and/or
 - ii. New information that would have substantially impacted the outcome of the case and that was not known or could not reasonably have been discovered and/or presented by the appealing party during the process and/or any subsequent hearing. Non-attendance at a hearing by any party does not constitute new information.
- e) The appeal must state the ground(s) for the appeal and include all relevant information to support the appeal request. If raising a procedural error, a detailed description must be provided. If citing new information, this information must be submitted with the appeal.
- f) The UAB Chair will conduct an initial review to determine if the appeal request meets the grounds for an appeal. If the appeal is not timely or substantively eligible, the original finding and sanction will stand and the decision is final.
- g) If the appeal meets the grounds for the appeal, the UAB Chair will convene an appeals board to review the appeal and any relevant case information.
- h) Appeals are not re-hearings of the case. The original finding(s) and sanction(s) are presumed to have been decided reasonably and appropriately, thus the burden is on the appealing party(ies) to demonstrate and support proper grounds for appeal. Appeals are confined to a review of the conduct case file and pertinent documentation regarding the grounds for appeal. The UAB will limit its review to the challenges presented.
- i) The appeals board will meet in a closed session (i.e. only board members permitted) and will make a decision to uphold the decision or remand the case to a previous decision-maker(s). The decision will be made within ten (10) business days and, when applicable, include instructions for reconsideration only in light of the granted appeal grounds. The deliberations of the appeals board will remain confidential.
- j) Where the previous decision was impacted by a procedural or substantive error, a new hearing body may be directed to reconsider the case, which can then be appealed one time.
- k) Where new evidence is presented that would have substantially impacted the outcome, the UAB may request a previous decision-maker(s) to review and consider new information. The decision-maker(s) will inform the UAB of their final determination. The UAB will issue a final decision.
- l) All applicable parties will be informed of the status and results of submitted appeals.
- m) All imposed sanctions will commence after the appeal period and/or process has concluded. If applicable, all interim restrictions will remain in place unless otherwise determined.

5.4.3 Chancellor Review

In exceptional cases in which the Chancellor, or designee, determines that the safety or well-being of the campus community warrants, the Chancellor, or designee, may use professional discretion or, upon the request by an involved party, review the decision of the University official. The Chancellor, or designee, may refer the case back to any level for further review, may affirm the decision, or may overturn the decision. A decision from this review will be final.

6. Records

6.1 Criminal Records

Admitted students and matriculated students are required to report any convictions, wherever they occur, for crimes that would constitute felonies under Massachusetts law.

6.2 Confidentiality

- a) Student conduct records are maintained by Student Conduct & Community Standards Office in compliance with the FERPA, Clery Act, Massachusetts General Laws, and University regulations. Student conduct records are maintained separate and apart from all other student records.
- b) Student conduct records will be retained for seven years after the date of the incident which led to the initiation of disciplinary action. In cases where the final disposition is an expulsion, the record will be retained indefinitely.
- c) Except as provided in the Code, the University shall not communicate a student's conduct record to any person or agency without the prior written consent of the student, except as required by law. Student conduct records may be made available to University employees with a legitimate educational interest.
- d) Upon receipt of a request for student conduct records with a signed release, Student Conduct & Community Standards Office may respond to the request and disclose a student's conduct history to professional/graduate schools, employers, or others, in accordance with the Policy on Reporting Student Conduct Records.

6.3 Accessing Student Records

Students may arrange to review their own disciplinary records by contacting the Student Conduct & Community Standards Office.

7. Appendixes

7.1 Guidelines for Classroom Civility and Respect

The guidelines are available on the Dean of Students Office website https://www.umass.edu/dean_students/campus-policies/classroom

7.2 Minutes Matter: Medical Amnesty Policy

The University of Massachusetts Amherst seeks to be a caring community committed to maintaining the health and safety of everyone. Severe intoxication or serious injuries after alcohol or drug consumption are potentially life-threatening emergencies. Although students may be reluctant to report these situations, obtaining medical help is imperative. If a student seeks help for someone under the influence of alcohol or drugs who needs medical attention, neither party will be charged with a Code of Student Conduct violation. If that person is a University of Massachusetts Amherst student, they will be required to meet with a staff person, attend an educational program and pay any associated fees.

Always call 911 for help if someone:

- Passes out and cannot be awakened
- Vomits while passed out
- Stops breathing
- Has a seizure

Parameters:

- This policy does not preclude student conduct actions regarding other violations
- This policy does not preclude the police or other law enforcement personnel from taking action on other violations
- Serious or repeated incidents will prompt a higher degree of health concern and response and may trigger a review under the Student Conduct process

7.3 Picketing Code

The Picketing Code is available on the Dean of Students Office website https://www.umass.edu/dean_students/campus-policies/picketing-code

7.4 Policy on Reporting Student Conduct Records

The Policy on Reporting Student Conduct Records is available on the Dean of Students Office website https://www.umass.edu/dean_students/policy-reporting-student-conduct-records