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**UNIVERSITY OF MASSACHUSETTS
CODE OF STUDENT CONDUCT**

DARTMOUTH

I. General

Students at the University of Massachusetts Dartmouth are expected to exercise self-discipline and maintain a high standard of honesty and moral conduct. All students are expected to act in a way that does not infringe upon the rights of others or upon the educational process. The University respects the laws and ordinances of the civil jurisdiction within which it lies and is not to be considered a sanctuary from state or federal law.

All students are responsible for knowing their rights and responsibilities described in this document. Students may not claim innocence of a violation of the Student Code of Conduct on the grounds of a lack of awareness.

A. The term “student” for the purposes of this document means an individual for whom the University maintains student records and who is currently enrolled in or registered in any course or academic program at the University regardless of credits; or who has completed a term and is eligible for reenrollment, including recess periods between academic terms; or who is on an approved leave or filing-fee status.

B. This document also applies to applicants who become students for offenses committed as part of the application process or former students for violations committed while a student.

Ultimate authority for student discipline is vested in the Board of Trustees of the University of Massachusetts. Disciplinary authority is delegated to the Chancellor of the University of Massachusetts Dartmouth, who in turn has delegated authority over student misconduct to the Associate Vice Chancellor for Student Affairs and authority for student academic dishonesty to the Provost. In accordance with Family Education Rights and Privacy Act (FERPA) regulations, the Office of Student Affairs is responsible for maintaining all student disciplinary records.

II. Unacceptable Conduct

Students found responsible for unacceptable conduct will be subject to the complete range of sanctions and penalties provided in the Student Conduct Policies and Procedures. Conduct, occurring on or off campus that violates this Code of Conduct or adversely impacts the University and/or the University community may be subject to discipline. The University has special concern for incidents in which students are subject to physical assault or harassment based on religion, gender, ethnicity, national origin, veteran status, or sexual orientation.

Below is a list of violations that includes, but is not limited to, the types of behaviors that are unacceptable by University standards. Any violation of residence halls rules and regulations, violation of civil law, conduct that is considered a crime by the criminal law of the Commonwealth of Massachusetts or of the United States of America and that takes place on University property, in the course of University activity, or that takes place off campus and has reasonably negative implications for the University will be adjudicated through the University conduct process.

Several examples of unacceptable conduct are defined below:

1) Acts of Violence

- 1.1 Assault/Battery
- 1.2 Harassment (including Sexual Harassment)
- 1.3 Sexual Conduct Without Consent
- 1.4 Rape
- 1.5 Stalking
- 1.6 Threatening
- 1.7 Endangering One's Own Safety or the Safety of Others
- 1.8 Hate Crimes and Incidents

2) Alcohol & Other Drugs

- 2.1 Alcohol Policy – Possession/Use
- 2.2 Alcohol Policy – Quantities/Containers (kegs, punch bowls, etc.)
- 2.3 Alcohol Policy – Distribution/Serving Minors
- 2.4 Drug Policy – Possession/Use of Illicit Drugs
- 2.5 Drug Policy- Distribution of Illicit Drugs

3) Disorderly Conduct

- 3.1 Public Urination
- 3.2 Falsifying information submitted to any University officer or agency; offering a false statement in any University conduct proceeding
- 3.3 Forgery, alteration or misuse of a University identification card; failure to show an ID to an identified official or employee of the University upon proper request; falsely identifying oneself to a University official
- 3.4 Deliberate disobedience or resistance of an identified University official acting in the line of duty

- 3.5 Refusal to vacate a building, street, sidewalk, driveway or other facility of the University when directed to do so by an authorized officer of the University having just cause to order the evacuation; failure to evacuate for a fire alarm or re-entry prior to return signal
- 3.6 Individual or group activities that intentionally or recklessly cause serious disturbance or distress to others
- 3.7 Aiding or abetting any unacceptable conduct described herein this document
- 3.8 Gambling: under no circumstances are students permitted to gamble on University property
- 3.9 Altered Licenses: Anyone found in possession of an altered driver's license, or anyone altering a valid driver's license, or anyone altering a valid driver's license of another person, shall be dealt with as follows: said license shall be forwarded to the Registry of Motor Vehicles, a hearing will be held; proof of the charges shall result in loss of license for 90 days. Under Massachusetts General Law any of the above mentioned offenses are felonies. Further disciplinary action will be taken against students in the university
- 3.10 Theft, accessory to theft, and/or possession of stolen property. Includes reselling stolen property
- 3.11 Violation of University purchasing procedures. Includes mishandling of funds, failure to follow fundraising procedures, misrepresentation of University involvement in purchases/contracts, etc.
- 3.12 Failure to complete judicial sanction
- 3.13 Violation of conduct restriction
- 3.14 Complicity
- 3.15 Failure to comply with Host Policy

4) Safety Violations

- 4.1 Possession of firearms or other dangerous weapons on University property, except in the course of an authorized University activity
- 4.2 Intentional possession or use on University property of a dangerous article or substance as a potential weapon, or of any article or substance that could injure or discomfort any person
- 4.3 Possession and/or use of fireworks
- 4.4 Intentionally false reporting of a fire; intentionally false reporting of a bomb or other explosives having been placed in any University building or elsewhere on University property
- 4.5 Tampering with fire-fighting or fire alert equipment
- 4.6 Trespassing or unauthorized entry
- 4.7 Unauthorized occupation of all or part of any University building - Obstructing or coercing any persons, with the effect of hampering or preventing the discharge of any University function, limiting the freedom of anyone to go about in a lawful manner; or compelling or preventing specific activities related to the University
- 4.8 Intentional or reckless interference with any class, other University function, or campus activity by means of noise, projectiles, or other form of disturbance or disruption

- 4.9 Rioting, or aiding, abetting, encouraging, or participating in a riot or rioting, or inciting a riot, including food fights, when conduct occurs on University property or in the course of a University activity
- 4.10 Violation of Hazing Policy
- 4.11 Failure to Act

5) Damage/Vandalism

- 5.1 Using, or attempting to use, University property in a manner inconsistent with its designated purpose
- 5.2 Possession of/misuse of residence hall furniture, University property, etc.
- 5.3 Intentional or reckless damage to or destruction of University property or of property on University premises belonging to others
- 5.4 Graffiti
- 5.5 Destroying/removing advertisements
- 5.6 Littering

6) Academic Violations

- 6.1 Academic Dishonesty
- 6.2 Plagiarism
- 6.3 Unauthorized removal or mutilation of library materials
- 6.4 Irresponsible, unethical or illegal use of university computer hardware, software, or facilities

7) Residential Violations

- 7.1 Guest Policy
- 7.2 Quiet Hours
- 7.3 Residential Rules and Regulations

CONDUCT DEFINITIONS

Assault/Battery

Physical assault which includes, but is not limited to physical attack upon or physical interference with a person (including hitting, kicking, spitting, or biting), puts the person in fear for his or her physical safety, or causes the person to suffer actual physical injury.

Complicity

A student shall not, through act or omission, assist another student, individual, or group in committing or attempting to commit a violation of this Student Code of Conduct. A student who has knowledge of another person committing or attempting to commit a violation of the Student Code of Conduct is required to remove him or herself from the situation. Failure to do so, when reasonable under the circumstances, may be the basis for a violation of this policy.

Failure to Act

When a student witnesses or has clear knowledge of an act that has the reasonable potential to cause harm or endanger, a student has the responsibility to report the violation to Public Safety, a staff person, or a member of the University faculty.

Harassment

Harassment includes but is not limited to, actions that prevent the person from conducting his or her customary or usual affairs. Also included is conduct less than a physical attack or physical interference that is directed at a person and that unreasonably interferes with that 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; intimidation (incl. witnesses documented in an incident or from a hearing); threatening telephone calls, e-mails, instant messages and text messages; or the vandalism of a person's room or property.

Hate Crimes and Incidents

A hate incident is a violation of the Code of Student Conduct that is deemed to have been motivated by bigotry or bias against a member of a federally protected class of people. A hate crime is a criminal act coupled with overt actions motivated by bigotry and bias including, but not limited to a threatened, attempted or completed overt act motivated at least in part by racial, religious, ethnic, handicap, gender or sexual orientation prejudice, or which otherwise deprives another person of his or her constitutional rights by threats, intimidation or coercion, which seek to interfere with or disrupt a person's exercise of constitutional rights through harassment or intimidation (Chapter 22c, Section 32 of the Massachusetts General Laws).

Host

A host is an individual, or group of individuals, who receives or entertains guests at his or her residence. Hosts are responsible for the actions of their guests at all times while they are on campus. Hosts who sponsor gatherings that violate the University's alcohol and other drug policy are subject to a conduct hearing under the host policy.

Sexual Conduct Without Consent

Engaging in sexual conduct with another person without the consent of that person which includes but is not limited to: any unwanted sexual contact including unwanted touching of the breasts, genitals or buttocks, forced vaginal intercourse (rape), forced oral sex, forced anal sex, and forced digital penetration or fingering. This conduct violates the UMD Code of Conduct. Also, situations in which persons cannot make free and informed decisions to engage in sexual behavior such as unconsciousness, being asleep or disabled by drugs/alcohol constitute sexual conduct without consent.

Sexual Harassment

Sexual harassment is a form of general harassment and is defined as follows: unwelcome sexual advances, requests for sexual favors, and/or other verbal or physical conduct of a sexual nature if the conduct is sufficiently severe, persistent, or pervasive to limit a student's ability to participate in or benefit from the education program, or to create a hostile or abusive educational environment.

Student Conduct Procedures

I. Introduction

The student conduct system of the University of Massachusetts Dartmouth is designed to encourage the ideal of student self-governance and student self-discipline. Its purpose is to provide due process and to ensure that any student or University affiliated student organization, accused of a violation for which discipline has been recommended, is afforded the opportunity to have the matter reviewed and the right to appeal the outcome. Individual students and student organizations are expected to know and comply with the policies set forth in the Student Code of Conduct.

The conduct process for students of UMass Dartmouth exists within the legal framework of the University that gives to the Board of Trustees the ultimate and final authority to govern the University. Authority possessed by the various student conduct entities set forth in this document comes from the power of the Board of Trustees to so delegate such authority.

II. Filing a Complaint

Anyone associated with the University (student, employee, or community member) may file a complaint or report alleging an infraction of the Code of Student Conduct, Residence Hall regulations, laws, or such other regulations as may exist or be established, except parking and traffic regulations, within 1 year of the incident. All complaints or reported incidents of student misconduct will be referred to the Department of Public Safety, the Office of Housing and Residential Life, or the Department of Student Conduct and Dispute Resolution for documentation purposes.. The Office of Student Conduct and Dispute Resolution may, at its discretion, conduct an investigation of each complaint or incident report. Upon completion of any investigation, the Office of SC&DR may dismiss the complaint or may refer the matter to the campus student conduct entity having jurisdiction. The Office of SC&DR may, at its discretion, immediately refer a complaint or incident report to another approved campus entity having jurisdiction. When the Office of SC&DR refers a potential violation of the Student Code of Conduct to another appropriate entity, that entity may not contradict the procedures set forth in this document.

Reports of potential violations of the Code of Conduct may be filed by completing a statement form at the Department of Public Safety or the Office of Housing and Residential Life. Statements completed with Public Safety or OHRL will be forwarded to the Coordinator for Student Conduct and Dispute Resolution for review.

Faculty members are encouraged to submit an Academic Integrity Reporting Form for all academic related code of conduct violations. The form is available on the Office of Student Conduct and Dispute Resolution website. This form should be turned into the Coordinator for Student Conduct and Dispute Resolution once completed.

Note: Those filing a report for a violation serve as the reporting party for the infraction. Accused students have the right to view and receive a copy of any reports filed. The Office of Student Conduct and Dispute Resolution will obtain permission to use the name of the individual filing the report and complaint in the process prior to moving forward with the complaint. If the person filling the complaint does not wish to have their name and report disclosed, the reporting party thus removes themselves from the process. In a case where there is no one else to serve as the reporting party, the matter will not be processed. If there is evidence, however, that harm or distress may be brought upon the reporting party if their name is disclosed, the Office of Student Conduct and Dispute Resolution will proceed with the complaint without utilization of the reporting party's name or statement.

III. Right to an Advisor

A student, party to a matter of student conduct, may elect to be accompanied at all formal proceedings by an advisor of his/her choice. The advisor must be a member of the faculty, staff or student body of the University *except* that legal counsel may accompany a student, at the student's discretion, when a criminal charge arising from the matter is pending or is considered likely. Any student who elects to be accompanied by an attorney in matters involving criminal charges or the likelihood of such charges, is required to give advance notice of at least 48 hours to the Coordinator for Student Conduct and Dispute Resolution. Absence of a pending criminal charge or the bona fide likelihood thereof, the advisor must be drawn from within the University community.

The role of the advisor in *all* cases, whether the advisor is a member of the University community or legal counsel, is limited to advising the student during the student conduct proceeding. The advisor may not speak on behalf of the student, or examine or cross examine witnesses, or address the student conduct entity publicly during formal student conduct proceedings.

If a student would like to have an advisor accompany them at their formal proceeding, but he/she does not have someone in mind, the Coordinator for Student Conduct and Dispute Resolution may be contacted to provide the name and contact information of a member of the Advisory Board. The Advisory Board is a group of students, faculty, and staff who are versed and trained in student conduct proceedings. Advisory Board members have the right to refuse to aid any student, should they feel there is a conflict of interest.

The University is a community that values teaching and learning and promotes the educational value of all of its internal processes, including the student conduct process. As the student in the classroom is expected to present his/her own work, free from plagiarism, so the student engaged in a student conduct proceeding is expected to carry on his/her own dialogue within a student conduct proceeding, presenting his/her ideas and thoughts, and not merely repeating verbatim the advisor's language.

During a Code of Conduct proceeding, if it becomes apparent to the student conduct entity that a student, in presenting testimony or responding to questions, is merely repeating the thoughts or ideas of the advisor verbatim, the student conduct entity will inform the student of its preference

that the student present his or her personal thoughts in his or her own words. If the practice continues, the student conduct entity shall use its discretion in determining the validity of or the amount of weight to be given to the testimony of the student.

IV. Notification of Charges of Alleged Violation

The accused student shall be notified, via email to the student's UMass Dartmouth email address, in the form of an Infraction Notice that he/she is alleged to have violated a University Code of Conduct regulation. This notice will be sent by a Hearing Officer, usually by a Resident Director or the Coordinator for Student Conduct and Dispute Resolution, generally within 72 hours of the incident or complaint. The notification shall include a requirement that the student attend a prehearing conference, to be held no sooner than three (3) consecutive academic days following date of the original notice, unless he/she requests it to be at an earlier date, or in the case that an Interim Suspension from the University or Residence Halls has occurred. The prehearing conference generally occurs within two weeks of the incident.

V. Pre-Hearing Conference Procedures

At the prehearing conference, the student has the opportunity to discuss the incident, review any reports regarding the matter, and review their options for a hearing. A student's failure to attend the prehearing conference, without prior notice to the hearing officer or a legitimate medical or other emergency, may result in a decision being made regarding the alleged violations in the student's absence.

If the student wishes to take responsibility for the alleged violation(s), the student is able to resolve the incident with the Conduct Officer overseeing the prehearing conference. The Conduct Officer may make a decision based exclusively on the student's statement at the prehearing conference and the written report. If the student accepts sanctions decided with the Conduct Officer at the prehearing conference, the outcome of the pre-hearing conference is an agreement and may not be appealed. If a sanction of Suspension or Dismissal from the University is a possible outcome of a pre-hearing, or if the student does not take responsibility for the violation(s), s/he would select either an Administrative or Conduct Board Hearing.

The student may request that the hearing officer schedule a hearing no sooner than five (5) academic days from the date of the preliminary meeting and may choose to have the matter heard by one administrator or a Conduct Hearing Board consisting of one faculty or staff member and two students. Please note: faculty members of the Conduct Hearing Board are approved by the Faculty Senate and student members are approved by the Student Senate. By resolving the matter by an administrative hearing or Conduct Board Hearing the student shall be entitled to the following: 1) Notification of the time and place of the hearing. 2) An electronic statement of the charge(s) of sufficient particularity to enable the student to prepare a defense. 3) Knowledge of the incident report or complaint from which the charges are derived. The identity of the reporting party and the substance of the complaint must be made known to the accused to enable him/her to prepare a defense against the charge(s). **EXCEPTION:** Where bona fide concern exists that disclosure of the name(s) will subject the complainant(s) to actual harm or the threat of harm, the University may withhold the name(s) of the complainant(s) in this notification.

VI. Administrative and Conduct Board Hearing Procedural Guidelines

The following are administrative hearing and Conduct Board procedural guidelines:

Overview of a Hearing:

The hearing is to be held in an expeditious manner. Upon written notification of a hearing date, the accused student shall be entitled to one postponement of a scheduled hearing provided that the student requests the student conduct entity for a postponement, in writing, no later than twenty-four (24) hours before the scheduled hearing.

The purpose of the hearing is to determine whether or not the accused student violated the Code of Conduct. The burden of proof shall rest upon the reporting party. The standard of proof shall be the preponderance of the evidence. If heard by a board decision may be reached by majority vote.

All available witnesses and facts must be heard. The number of witnesses is not limited, *except*, if the student conduct entity determines that the substance of a witness' testimony has already been presented and would result in simple repetition, the student conduct entity may decline to hear the witness. A witness' testimony may be terminated when, in the judgment of the student conduct entity, it ceases to be relevant or becomes so rambling or incoherent that it is meaningless. The student conduct entity may call witnesses.

The hearing is to be closed to the public.

No witnesses shall be permitted to attend the hearing after the initial introduction is made, prior to the delivery of their testimony, or remain after the completion of their testimony.

The student conduct entity shall use its discretion in determining the validity of or amount of weight to be given to affidavits and/or recordings purporting to represent witness testimony for either the accused student or the complainant.

A digital recording will be made of all hearings. The recording shall be held in custody of the Office of Student Affairs. Access to the recording shall be to: the accused student, the reporting party, the hearing officer, board, and, if appealed, the appellate entity having jurisdiction. Copying of the original recording shall not be allowed. Only written excerpts or notes taken by those permitted access to the recording will be allowed. Upon conclusion of a case, either following waiver of appeal or following a final appeal decision, the digital recording will be deleted.

The accused student, the reporting party, and their respective advisors, if any, may be present during the entire hearing except when confidentiality is required by law.

The reporting party may elect to present evidence, and to call and question witnesses or to defer that responsibility to the Office of Student Affairs. If the responsibility for presenting a case as a reporting party is deferred to an administrator in the Office of Student Affairs, that person cannot be involved in the hearing of the case.

The accused student may elect to appear in person, to present a defense to the student conduct entity, to call witnesses, and to ask questions of any witness.

The accused student may elect not to appear before the student conduct entity. Should the accused elect not to appear, the hearing shall be held in his or her absence. The choice of the accused not to appear in person shall not be taken as an admission of responsibility and must be noted without prejudice. If the accused student elects to appear in person, he/she may decline to answer questions posed by the student conduct entity. A student who fails to appear for the hearing waives their right to an appeal.

The accused student shall be entitled to receive a written decision of the student conduct entity in an expeditious manner at the conclusion of the hearing and the outcome as permitted or required by law.

The accused student shall be notified of the right to appeal the original decision of the student conduct entity. Unless stipulated to the contrary by the University, students who appeal a hearing decision will have that decision held in abeyance until a formal appeal decision has been reached. Generally, a student who was Interim Suspended prior to the hearing decision being made will remain on Interim Suspension status until completion of the appeal.

When the University determines that the reporting party or victim of an incident is permitted or required by law to be apprised of the outcome of a student conduct hearing, the reporting party or victim will be so notified. In such instances the reporting party or victim also has the right to appeal the decision.

If an accused student withdraws from the University before a hearing, the University may defer the hearing and re-entry would not be allowed until the process is concluded. The University may also choose to make a decision in the matter.

VII. Post-Hearing Procedural Guidelines

If a student conduct entity has evidence that any party to a student conduct proceeding has offered false testimony, it shall refer the matter to the Office of Student Affairs for investigation. Charges of student misconduct may be brought against the party if appropriate.

Rulings of a student conduct entity in conduct-related matters shall be enforced by the Office of Student Affairs. Academic matters shall be enforced by an appropriate academic administrator and/or the Office of Student Affairs.

An accused student who is found responsible by a student conduct entity, and who is assessed a sanction, and who refuses to comply with the ruling of the hearing officer or board may be found in violation of the Student Code of Conduct and is subject to an additional charge of Failure to Comply with Judicial Sanctions. Suspension from the University with right of appeal may be a result of this violation.

Student Conduct Records:

The Office of Student Affairs shall maintain the following records pertaining to each disciplinary case:

- The original complaint.
- All documents, correspondence, forms, statements, etc., pertaining to the matter.
- A record of the decision including any finding, sanction, and any action recommended or taken.

All case records and materials pertaining to a student conduct proceeding shall be kept secure away from public view. Except where confidentiality is further restricted by law, access to such case records or materials shall be limited to the student conduct entity hearing the original or appellate case, the accused student, and Administrative Officers of the University having direct involvement with the case. Access to student conduct case records by anyone other than those expressly named shall be by written authorization of the student in whose name the file is kept. Case records shall be destroyed 7 (seven) years after the date of the last incident which the student was found responsible for, but not before the student graduates from the University. In cases involving University Dismissal, University Suspension, or permanent University Trespass the notice will become a permanent record.

VIII. Sanctions

Dismissal is a permanent separation from the University. It is the most severe penalty that can be assessed by the University. The student is not eligible for readmission.

Suspension prohibits the student from registering for classes or from attending the University while the suspension is in effect. Suspension shall remain in effect for a specified period of time, not to exceed two (II) calendar years from the time of a decision by a student conduct entity. At the end of the specified period the student may apply for re-enrollment via the Associate Vice Chancellor for Student Affairs or his/her designee. A suspension may provide for automatic reinstatement of an otherwise eligible student.

Jeopardy shall be imposed for time periods similar to that for suspension. During this period a student found responsible of a rule violation by the student code of conduct proceeding may be subject to immediate Interim Suspension from the University. A student under the sanction of Jeopardy shall not represent the University as an official delegate, representative, athlete, or as a holder of office or committee chair in University groups of any kind.

Disciplinary Probation is a conditional continuance of registration at the University. It is a period when actions of the student are subject to particular scrutiny and when conduct violations will cause student conduct entities to consider current violations within the context of and with prejudice based on past violations. Previous violations shall not be considered in the

determination of responsible for any new violation, but shall be considered in determining a sanction after responsibility has been established. Further misconduct during each probationary period may result in Suspension or Dismissal. At the discretion of the student conduct entity imposing probation, a student on Disciplinary Probation may lose the right to represent the University as an official delegate, representative, athlete, or as a holder of office or committee chair in University student groups of any kind. Probation shall be imposed for time periods similar to that for Suspension. Probation may be imposed together with such lesser sanctions as may be deemed appropriate.

Loss of Privilege allows a student conduct entity to restrict the activity of the student while he/she is on the University campus. The student may be prohibited from participating in non-academic or extra-curricular activities and/or from visiting certain specified areas of the University campus and/or from coming into contact with specified individuals while on campus. Loss of Privilege should be related to the offense, or serve to correct the result of the offense, or compensate in some relevant way the offended party(ies). Loss of Privilege may accompany another sanction herein described. In matters pertaining to the University Residences, Loss of Privilege may include but is not limited to the following:

Residence Dismissal is a permanent separation from University Housing. The student is not eligible for readmission to University Housing.

Residence Suspension prohibits the student from residing in University Housing while the suspension is in effect. Suspension shall remain in effect for a specified period of time not to exceed two (2) calendar years from the time of a decision by a student conduct entity. At the end of the specified time period the student may apply for readmission to University Housing. Residence suspension may provide for automatic reinstatement of an otherwise eligible student.

Residence Jeopardy shall be imposed for time periods similar to that for Suspension. During this period a student found responsible of a rule violation by the student code of conduct proceeding may be subject to immediate suspension from University Housing. A student under the sanction of Residence Jeopardy shall not represent the University Housing as an official delegate, representative, athlete, or as a holder of office or committee chair in University Housing groups of any kind.

Work Requirement permits a student conduct entity to recommend and specify certain work requirements or duty obligations when such assignments are related to the offense, serve to correct the result of the offense, or compensate in some relevant way the offended party(s). Work Requirement may accompany another sanction herein described.

Restitution is action taken by a student conduct entity requiring a student to make compensation for loss, damage, or injury the student may have caused. Restitution may accompany another sanction herein described.

Warning by a student conduct entity, normally in writing, is intended to make the student aware of the possible consequences of his/her actions. This sanction may be considered with prejudice by a student conduct entity in future action only when the Warning is presented to the student in

writing. This sanction shall be for any time period specified and shall remain a part of the student's record until graduation or termination of his/her association with the University, at which time the notations shall be removed.

No contact with a specific student, faculty, staff, or community member, where all direct or indirect (via a third party on his/her behalf and with his/her knowledge) verbal, physical, and electronic forms of contact are prohibited.

Administrative Reassignment within Housing and Residential Life to another room or apartment.

Fees or fines may be assessed for specific alcohol, drug, or incidents involving a physical altercation, as well as in matters where an assessment of damages has occurred.

IX. Appeal

Appeal Entities:

When considering matters on appeal, the Associate Vice Chancellor for Student Affairs, or his/her designee, is the final appellate level within the UMass Dartmouth student conduct process.

Procedures:

An accused student, or a reporting party who has been a victim of a violent act, who has been informed of the outcome of a discipline hearing may submit an appeal, in writing, to the Office of Student Affairs, or by email at judicial@umassd.edu. The written appeal must state the grounds upon which the appeal is based. Students are not able to appeal a hearing decision if they fall into one of the following categories: 1) failed to attend their prehearing conference or scheduled hearing and has been issued a decision in absentia; 2) accepted responsibility and was issued a decision at his/her prehearing conference that was accepted; or 3) was issued a "warning" as the hearing outcome.

Grounds for appeal are allegations that: (1) the sanction administered by the original student conduct entity is unjustified in its severity or leniency; (2) the weight of evidence did not justify a finding of responsible or not responsible; (3) the basic tenets of due process provided by this document were omitted, ignored, or violated by the original student conduct entity; or (4) new evidence exists that is relevant and that was unobtainable at the time of the original hearing.

The appeal petition must be written by the appellant. Exception: A student may choose to have his/her attorney draft the letter of appeal only in cases where there are pending felony charges.

The appeal petition must be received in Office of Student Affairs, or designated location, no later than five (5) consecutive class days following receipt of the original decision or it is deemed invalid and the appeal will not be considered.

With the exception that the petition must cite appropriate grounds for appeal enumerated above in order to be valid, there is no prescribed form for a petition for appellate review. The appellant has the responsibility to make the petition sufficiently lucid and detailed so as to allow the Appellate Officer to understand the nature of the petition. If the Appellate Officer determines that a petition is improperly drafted or that it is insufficiently detailed, it shall so inform the petitioner and he/she shall have the right to submit an amended appeal within three (3) consecutive school days following said notification. If the appeal is not resubmitted in the specified time given, the appeal will not be considered.

The appellate entity shall grant a hearing upon receipt of a petition of appeal whenever the said entity shall determine that the petition raises substantive issues relative to the grounds for appeal enumerated above.

Withdrawal from University: A student party to a disciplinary action who has initiated an appeal to an Appellate Officer and who subsequently withdraws in good standing from the University while the appeal is pending, may continue the appeal process if he or she so chooses.

The appeal hearing is to be strictly limited to a review of the record of the original hearing. New evidence (i.e. evidence which was not presented at the original hearing) may be considered only if it is relevant and only if it was unobtainable at the time of the original hearing.

The decision of the University Appeals Officer may include the following: Affirm and uphold the decision of lower student conduct entity. Reject and overturn the decision of a lower student conduct entity. The accused may be found not responsible of the original charges. The accused may be found responsible of the original charges and any of the full range of available items under the Sanction and Penalties section of this document may be applied. Return the matter to the original student conduct entity with instructions.

X. Appellate Student Conduct Officer

University Appeals Officer (UAO)

The University Appeals Officer is the Associate Vice Chancellor for Student Affairs or his/her designee.

Jurisdiction

Appellate Officers shall have jurisdiction in the following areas:

- Appeal of conduct-related judgments of a lower student conduct entity involving sanctions.
- Appeal of cases involving the violation or interpretation of the Student Government Constitution or the policies or actions of the Student Senate or Residence Hall Council. The University Appeals Officer shall judge the constitutionality of any action taken by the above-named organizations, their executive agencies, or by members thereof.

- Appeal of cases involving constitutional conflict within any campus organization, or between major governing groups, or between campus organizations and governing groups.
- Appeal of cases involving the constitutionality of any action taken by a student organization or governing group.

Procedural Compliance

Any student conduct entity at the hearing level found by the University Appeals Officer to be consistently violating the provisions of this document may be subject to review of its student conduct authority and/or assumption of its jurisdiction by a request of the University Appeals Officer.

XI. Removal of Conduct Board Members

Removal of a member from the Conduct Board must be instituted through the Associate Vice Chancellor for Student Affairs or his or her designee. Grounds for removal shall include:

1. gross negligence or dishonesty in the carrying out of the student conduct hearing officer's trust;
2. severe infraction of University rules of conduct resulting in the application of a sanction of Jeopardy or above by a student conduct entity; or
3. actions by Board members during a student conduct proceeding that serve to disrupt, make a mockery of, or otherwise cast disparagement on the role of the judiciary and its members.

XII. Replacement of Conduct Board Members

Vacancies on the Conduct Board shall be filled as required by the same method used to select board members.

XIII. Revision and Amendment

In the interests of preservation of justice, due process, and the efficient management of the University's student conduct function, it is specifically recognized that the various provisions of this document must be subject to revision or amendment for just cause. As the chief University administrator charged with the oversight of student affairs on this campus, the Associate Vice Chancellor for Student Affairs may, by a mechanism of his or her choice, recommend that specific change(s) in this document be considered. The members of the University student conduct system may also recommend that specific change(s) in this document be considered. No revision or amendment shall be deemed in force or operative for any purpose until approved by the Board of Trustees.