

University of Massachusetts Dartmouth
Student Affairs/Office of Community Standards
Code of Student Conduct

Policy Number	STU-024
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Responsible Office/Person	Student Affairs/Office of Community Standards
Related Policies	None
Additional History	Supersedes policies, effective 2018, 2016, and 2007

Welcome!

The University of Massachusetts Dartmouth welcomes you to our community - a community that affords individuals access to our outstanding faculty, staff, students, alumni, and countless resources. By accepting an offer to become part of our community, individuals also agree to uphold the values and traditions that have been built over time in conjunction with students, vowing to be partners in learning and personal growth.

To be successful at UMass Dartmouth, students are expected to explore and exercise their rights, and it is understood that in this process, some errors in judgment will occur. It is a natural part of learning; however, students are expected to reflect on their choices in the context of responsible decision making and honest discourse. Students should take this experience and learn from it in order to make more informed decisions in the future. Any action that threatens the safety of others, harms others, or that compromises the integrity of the educational environment and/or repeated behavioral issues may result in the student losing the opportunity to continue their education at UMass Dartmouth.

The Code of Student Conduct at the University of Massachusetts Dartmouth is a set of the University's values and expectations for our students. Its purpose is to educate the student and to ensure that any student or University affiliated student organization, accused of a violation, is afforded the opportunity to respond to the allegation(s).

Student Conduct Authority

The University of Massachusetts Dartmouth's Code of Student Conduct is approved by the Chancellor of the University of Massachusetts Dartmouth, who has delegated authority over student misconduct to the Vice Chancellor for Student Affairs and student academic dishonesty to the Provost.

Definitions

Administrative Review Hearing: A live hearing where the Administrative Review Panel reviews an investigative report to determine if a violation of the Code of Student Conduct has occurred. In this hearing a respondent and complainant, if applicable, will have the opportunity to respond to the investigative report and have questions asked of either party through the Administrative Review Panel.

Administrative Review Panel (ARP): Trained faculty and staff who are authorized to review alleged violations of the Code of Student Conduct and who make a final determination of an appropriate

resolution.

Advisor: An individual that a student selects to accompany them through the Community Standards process. The role of the Advisor is to provide support to the student and they may not actively participate in the student's meeting or speak for the student in any way.

Appeal Officer: The Vice Chancellor for Student Affairs or designee who conducts a review of a decision made by an Administrative Review Panel.

Business Day: Any day in which University offices are open.

Community Standards Process: The process used to manage the Code of Student Conduct.

Complainant: Any person who believes they were a victim of another student's misconduct. If the complainant is a student as well, they are afforded the same rights through the Community Standards process as the respondent.

Conduct Conference: A meeting between a respondent and a Conduct Conference Facilitator to discuss the Community Standards process, review a referral, and review possible options for resolving the case.

Conduct Conference Agreement: An agreement made between a Conduct Conference Facilitator and a respondent regarding violations of the Code of Conduct and any proposed sanctions. This agreement will be made available in writing and will need to be electronically signed by the respondent.

Conduct Conference Facilitator: A University staff member who has been authorized to educate students about the Community Standards process and review possible options for resolving the matter.

Designee: A University staff member who has been authorized to implement the Community Standards process.

Director of Community Standards: The University staff member who has been designated by the Vice Chancellor for Student Affairs to coordinate the Community Standards Processes as a whole. Any questions regarding interpretation of the Code of Student Conduct is the responsibility of the Director of Community Standards.

Host: A host is an individual, or group of individuals, who receives or entertains guests on campus or at campus sanctioned events.

Investigator: A Conduct Conference Facilitator given the responsibility of conducting a full investigation of an alleged violation of the Code of Student Conduct.

Policy: Any written regulations, standards, or expectations developed by the University. Such information can be found in, but is not limited to, the Code of Student Conduct, the Housing Contract, the Housing Handbook, and the University Policies webpage.

Procedural Advisor: Usually the Director of Community Standards or designee. Refers to the individual present in an Administrative Review Hearing responsible for making sure procedures are followed including, but not limited to, recording management, introductions, providing time for the respondent and complainant to respond to the investigation and answer relevant, and keeping the educational tone

of the hearing.

Standard of Evidence: Refers to a standard of proof adopted by the University to determine whether or not a violation of the Code of Student Conduct has occurred. This standard is called “preponderance of the evidence” and requires that a violation “more likely than not” occurred.

Reporting Party: Any person who submits a report regarding a possible violation of the Code of Student Conduct.

Respondent: A student who has been accused of violating the Code of Student Conduct.

Sexual Misconduct: See [UMass Dartmouth Sexual Misconduct Policy](#) for definitions, violations, and process regarding forms of sexual misconduct.

Student: An individual who has been admitted, registered, enrolled, or may be attending any course or academic program at the University regardless of credits.

Student Organization: A student group recognized by the University. This includes but is not limited to groups registered at the SAIL Office, club sports teams, and academic teams.

University: Meaning the University of Massachusetts Dartmouth.

University Official: Any person authorized by the University to perform administrative, instructional, or professional duties.

Witness: Any person with knowledge pertaining to an alleged violation of the Code of Student Conduct. Character witnesses are not part of the Community Standards process.

Proscribed Conduct

Jurisdiction

1. Students shall be responsible for their conduct from admission through the actual awarding of a degree. This includes the academic year, during break periods, and between enrollment periods. The Code of Student Conduct shall apply to a student’s conduct even if the student withdraws from the University during the initiation or continuation of the Community Standards process.
2. Conduct, occurring on or off campus that violates this Code of Student Conduct and adversely impacts the University and/or the University community may be subject to the Community Standards process. Should the Director of Community Standards reasonably determine that a particular alleged act or off-campus misconduct falls within the jurisdiction of the University, the case will be referred to the Community Standards process.
3. The Community Standards process may be initiated when an alleged act potentially violates both criminal law and the Code of Student Conduct. The Community Standards process may be carried out prior to, simultaneously, or following a civil or criminal proceeding at the discretion of the Director of Community Standards. Agreements or findings finalized under the Code of Student Conduct shall not be subject to change should criminal charges, regarding the same acts that prompted the Community Standards process, be dismissed, reduced, or resolved in favor of or against the criminal law defendant.
 - A student has a right to file with an outside agency such as Dartmouth Police. Dartmouth Police are at 1390 Tucker Road Dartmouth, MA and can be reached by phone at 508-910-1700.

4. Student Organizations may be held accountable under the Code of Student Conduct for the organization's misconduct and/or the misconduct of one or more of its members or guests. The president of the student organization will serve as the representative unless a designee is agreed upon by the Director of Community Standards. Both the student organization and individual students may be found responsible for violations of the Code of Student Conduct for the same behaviors.

Community Standards

As members of the University of Massachusetts Dartmouth community, students and student organizations have a responsibility to uphold the Code of Student Conduct. They also have the responsibility to adhere to all federal, state, and local laws. The Director of Community Standards or designee shall make the final determination on what constitutes a potential violation of the Code of Student Conduct and shall establish specific violations of the code as appropriate.

The following list of behaviors or attempted behaviors are intended to represent the types of acts that constitute violations of the Code of Student Conduct. Although the list is extensive, it should not be regarded as all-inclusive. All community members are responsible for knowing and observing all University policies.

1. **Academic Integrity:** See UMass Dartmouth Academic Integrity Policy for definitions, violations, and process. <https://www.umassd.edu/media/umassdartmouth/university-policies/new-policies/policies-2019/ACA-017-Student-Academic-Policy-for-Undergraduates.pdf>
2. **Altered Identification:** Anyone found in possession of an altered form of identification, or anyone altering a form of identification, or anyone altering a form of identification of another person.
3. **Complicity:** The act of assisting another person in the commission or attempted commission, of a violation of the Code of Student Conduct. For the purpose of this document, this also includes hosting a guest who commits a violation or being in the presence of a violation and failing to report.
4. **Damage/Vandalism:** Includes, but is not limited to, the damage or misuse of University property or property belonging to others, destruction/removal of advertisements, graffiti, or littering.
5. **Disruptive Behavior:** Behavior that interferes with freedom of speech or movement or disrupts and/or obstructs any University activity. University activities include, but are not limited to, teaching, research, events, administration, Community Standards proceedings, on or off campus; or of non-University activities when the behavior occurs on University premises; rioting or inciting a riot.
6. **Endangering Behavior:** Behavior that endangers or threatens one's own health and safety or the health and safety of others.
7. **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 behavior to UMassD Police, a University staff or faculty member.
8. **Failure to Complete a Sanction** – When a student does not complete an agreed upon or formally issued sanction by the deadlines provided in writing at the conclusion of the community standards process.
9. **Failure to Comply:** Includes, but is not limited to, failure to follow the directions of, failure to identify

oneself, or submitting false information to an identified University official; offering a false statement in any University conduct proceeding.

10. **Fire Safety:** The starting or participating in starting a fire; causing a fire evacuation; tampering with firefighting or fire alert equipment; 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. See also [UMass Dartmouth Fire Safety Policy](#).

11. **Gambling:** Gambling on University property or at activities or events pertaining to the University.

12. **Harming Behavior:** Behavior that includes, but is not limited to, the true threat of or actual physical violence, abuse, harassment or bullying. For the purpose of the Code of Student Conduct, bullying is considered a form of harassment; behavior that causes a serious disturbance or distress to others.

13. **Harassment:** Harassment includes but is not limited to, unwanted severe, aggressive or repeated actions that prevent a person from conducting their customary or usual affairs. Actions such as physical or emotional harm, damage to property, putting the target in reasonable fear of harm to oneself or property, or intimidation (incl. witnesses documented in an incident or from a hearing). This includes, but is not limited to, written, verbal, electronic, or physical threats or violence. When determining if an act constitutes harassment, the Office of Community Standards will consider the full context of the act giving due consideration to the protection of the University community, individual rights, freedom of speech, academic freedom and advocacy. Not every act that might be offensive to an individual or group constitutes harassment and/or a violation of the Code of Student Conduct.

14. **Intrusion of Privacy:** Photographing, videotaping, filming, digitally recording, or by any other means secretly viewing, with or without a device, another person 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.

15. **Theft:** Including, but not limited to, theft, accessory to theft, and/or possession of stolen property. Includes reselling stolen property.

16. **Violation of Housing and Residential Education's Terms and Conditions**, including but not limited to the Housing Contract and Housing Handbook.

17. **Violation of Published University Policies, Rules, and Regulations.**

18. **Violation of the Alcohol Policy:** Violations of this policy include, but are not limited to, the possession and/or consumption of alcohol under the age of 21, distribution or providing alcohol to someone under the age of 21, an incident aggravated by being under the influence of alcohol, public intoxication, and possession of large alcohol quantities such as kegs, punch bowls, etc. See also the [UMass Dartmouth Campus Alcohol Policy](#), which can be found in Appendix A. Please also see the [UMass Dartmouth Board of Trustee Alcohol Policy](#).

19. **Violation of the Drug Policy:** Violations of this policy includes, but are not limited to, the possession or use of illegal drugs, possession or use of drug paraphernalia, and distribution of illegal drugs. See also the [UMass Dartmouth Drug Policy](#) which can also be found in Appendix B.

20. **Violation of the Equal Opportunity and Diversity Policy:** Acts of harassment, intimidation, or invasion of privacy that interferes with the rights of an individual or group to participate in the activities of the academic community shall be considered to be in violation of University policy. See also the [UMass Dartmouth Equal Opportunity and Diversity Policy](#).

21. **Violation of the Guest Policy:** Individuals from outside of the campus community invited to campus by a member of the campus community who does not abide by established university policies. For a definition of a guest, as defined by Housing and Residential Education, please refer to [Housing and Residential Education's Housing Handbook](#). See also the [UMass Dartmouth Guest Policy](#).

- a. **Host:** A host is an individual, or group of individuals, who receives or entertains guests on campus or at University sanctioned events. 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 or drug policies are subject to the Community Standards Policy.

22. **Violation of the Hazing Policy:** Hazing includes but is not limited to any method of initiation into any student organization, whether on public or private property, which willfully or recklessly endangers the physical or mental health of any student or other person. The implied or expressed consent of the victim will not be a defense for hazing. Apathy or acquiescence in the presence of hazing are not neutral acts, they are also violations of this policy. See also the [UMass Dartmouth Hazing Policy](#).

23. **Violation of the Weapons and Firearms Policy:** Possession of firearms or other dangerous weapons on University property, except in the course of an authorized University activity; Intentional possession or use of a dangerous article or substance as a potential weapon, or of any article or substance that could injure or discomfort any person on University property; Possession and/or use of fireworks. See also the [UMass Dartmouth Weapons and Firearms Policy](#).

24. **Abuse of University Community Standards process**, including but not limited to:

- a. Disruption or interference with a Community Standards proceeding.
- b. Falsification, distortion or misrepresentation of information to a Conduct Conference Facilitator, Investigator, Administrative Review Panel, or Appeal Officer.
- c. Influencing or attempting to influence another person to commit an abuse of the Community Standards process.
- d. Attempting to discourage or retaliate against an individual for participation in, or report to Community Standards.
- e. Attempting to intimidate or retaliate against a Conduct Conference Facilitator, Investigator, Administrative Review Panel, or Appeal Officer during or after their participation in the Community Standards process.
- f. Institution of a Community Standards proceeding in bad faith.
- g. Failure to comply with the sanction(s) imposed or agreed to under the Code of Student Conduct.

25. **Medical Amnesty Policy**

The University of Massachusetts Dartmouth is committed to the safety and welfare of our students and seeks to facilitate access and remove barriers to students seeking medical assistance for alcohol and/or

drug related emergencies. The expectation is that all community members will care for the health and safety of themselves and others and seek assistance when needed. See also the [UMass Dartmouth Medical Amnesty Policy](#).

Community Standards Procedures

Filing a Report

Any person may file a report concerning alleged violations of the Code of Student Conduct. This can be done by preparing a report in writing or by reporting to a staff member who will then write a report. This should be done as soon as possible after the alleged misconduct happens. The longer it takes to file a report, the more difficult it becomes for University officials to obtain necessary information regarding a particular incident. It is encouraged that all reports are filed within a year of the alleged violation.

Any report should provide a clear and concise written statement identifying those involved, dates, times, location and any possible supporting documentation. The report is directed to the Director of Community Standards or designee to determine if a potential violation of the Code of Student Conduct is present. If the alleged misconduct reported is determined to potentially violate the Code of Student Conduct, the Director of Community Standards or designee will forward the case to a Conduct Conference Facilitator. The Director of Community Standards or designee may also respond to a potential violation of the Code of Student Conduct in lieu of a formal complaint being filed.

The assigned Conduct Conference Facilitator will review the report and all related materials and schedule a Conduct Conference to discuss options for adjudication, alleged violations of the Code of Student Conduct, and possible outcomes. A Conduct Conference Facilitator 's goal is to facilitate personal reflection and growth through a student development and restorative lens. If a respondent withdraws from the University after the initiation of the Community Standards Process, the University may still proceed with a resolution of the case. The University also reserves the right to initiate a Community Standards Process when it received notice of misconduct after a student has withdrawn or graduated if the misconduct took place when the individual was a student.

The form to report an alleged violation of the Code of Student Conduct can be found on the Office of Community Standards department website and on the "Quick Launch" portion of the portal for faculty, staff, and students.

Communication

Community Standards' related notifications are generally sent to the UMass Dartmouth email account via the Maxient system. Confirmation of delivery by Maxient will be considered the confirmed delivery date and time of notification. Once notified of a Community Standards matter, it is recommended that the student check their UMass Dartmouth email account at least once daily until the matter is resolved.

Resolution to a referred incident

Reported incidents to the Office of Community Standards may be resolved through resolution options identified below. The Director of Community Standards or designee initially determines the case resolution option. The Community Standards process will not be delayed or postponed should a respondent or complainant fail to participate.

1. Response by Letter
 - a. The Director of Community Standards, or designee, shall determine the appropriateness of addressing a violation of the Code of Student Conduct by a letter in lieu of a Conduct Conference.
 - b. Students who receive a letter in lieu of a Conduct Conference have the opportunity to respond to

- the letter and request a Conduct Conference to discuss the incident.
- c. Examples of incidents that may be responded to by letter include, but are not limited to, minor violations of the Housing and Residential Education Terms and Conditions such as unsanitary conditions or occupying both sides of a residence hall room.
2. Conduct Conference
 - a. A Conduct Conference is a meeting between a respondent and a Conduct Conference Facilitator to review the report, options for adjudication, alleged violations of the Code of Student Conduct, and possible outcomes. A complainant may describe their desired remedy for the violation of Code of Student Conduct but must acknowledge that said remedy may not be achieved.
 - b. A Conduct Conference generally occurs within two weeks of the incident and is generally scheduled around the posted class schedule of the respondent. Requests to schedule around work, sport, club, or other schedules are generally not approved. There may be multiple Conduct Conferences scheduled as an incident is investigated.
 - c. After reviewing the incident with the respondent, the Conduct Conference Facilitator will recommend appropriate findings and sanctions, if applicable, as a possible outcome for the case. In order to resolve the case at a Conduct Conference, the Conduct Conference Facilitator and respondent need to come to an agreement on all findings and sanctions. The agreement is first reached verbally and then is followed up with an electronic signature. The agreement cannot be appealed.
 - d. A Conduct Conference Facilitator or respondent can choose to refer the case for an Investigation.
 - e. A student's failure to participate in the Conduct Conference, without prior notice to the Conduct Conference Facilitator or a legitimate medical or other emergency, may result in a decision being made regarding the alleged violations in the student's absence. This decision cannot be appealed.
 - f. When a student conduct case is resolved at the Conduct Conference, an alleged victim or victim of violence or threat of violence will be notified of the outcome by the Conduct Conference Facilitator.
 3. Investigation
 - a. An impartial and timely investigation will be conducted by a trained Investigator. The respondent, complainant, reporting party, and relevant witnesses will be contacted for an investigative interview. The Investigator will make a reasonable effort to obtain supporting documentation regarding the incident from other University entities or other resources. Complex investigations may require additional time, however the investigator will notify all parties involved, in writing, if there is any delay. Upon completion of the investigation, the Investigator will determine if there is a violation of the Code of Student Conduct applying the University's standard of evidence and make a recommendation for a finding.
 - b. If a respondent, in cases with no complainant, does not participate in the investigation, then the investigative report and recommendations for a finding become an Administrative Decision. This Administrative Decision cannot be appealed.
 - c. The respondent and complainant (if any) will be notified of the findings and recommendations and will have five business days to determine if they would like to resolve the case by Administrative Agreement or by an Administrative Review Hearing. The Investigator will attempt to meet with the respondent and/or complainant (if any) to discuss the findings. Should the respondent nor complainant (if any) not select a resolution option, the Investigator will process and close the case as an Administrative Decision with the finding from the investigation. An Administrative Decision cannot be appealed.
 4. Administrative Review Hearing
 - a. An Administrative Review Hearing is typically conducted within fifteen business days of a confirmation by the respondent or complainant (if any).
 - b. During an Administrative Review process a respondent or complainant (if any) has the right to:

- i. Be notified of all alleged violations. This is typically done through University email.
- ii. Review the Investigation report and all supporting documentation.
- iii. Be informed about the Administrative Review and Hearing process.
- iv. A reasonable period of time to prepare for the Administrative Review Hearing.
- v. Request a delay of a hearing due to extenuating circumstances. The request must be made in writing and the decision to grant or deny such a request will be determined by the Director of Community Standards or designee.
- vi. Be notified of all proposed information to be presented at the hearing.
- vii. Be accompanied by an advisor of their choice. Advisors must be available at the time/date of the scheduled hearing. A hearing cannot be delayed or postponed due to a scheduling issue for an Advisor.
- viii. Be present at the pertinent stages of the hearing process as indicated by the Director of Community Standards or designee. Deliberations of the Administrative Review Panel are private.
- ix. Submit a written response to the investigation prior to the hearing. If a student decides not to respond, it will not be considered an admission of responsibility.
- x. Respond, in person, to the investigation or other information presented at the hearing.
- c. An Administrative Review Panel shall be made of three trained faculty or staff members. They shall conduct the hearing according to the procedures below.
 - i. A hearing shall be conducted in private.
 - ii. The Administrative Review Panel will receive all relative materials in advance of the hearing for review including but not limited to, the investigation report, initial incident report, any Police report, and written response(s) from the respondent/complainant.
 - iii. Those present for the Administrative Review Hearing may include, but is not limited to, the respondent, complainant, investigator, panelists, procedural advisor and the advisors of the respondent and complainant.
 - iv. Admission of any person into the meeting room shall be at the discretion of the Administrative Review Panel. The Administrative Review Panel shall have the authority to remove any person whose presence is deemed unnecessary or obstructive to the proceedings.
 - v. The Administrative Review Panel will allow for a personal or community impact statement by the respondent and complainant.
 - vi. The Administrative Review Panel may ask clarifying questions of the respondent, complainant, or investigator. Questions may be suggested by the respondent, complainant, or investigator but should be directed to the Administrative Review Panel, to preserve the educational tone of the hearing and to avoid the creation of an adversarial environment.
 - vii. After a determination has been made, as to a responsible or not responsible finding for the alleged violations of the Code of Student Conduct, the Administrative Review Panel will consider the respondent's academic transcript, student conduct history, impact statements, and the investigators written recommendations before imposing any sanctions.
- d. Following the hearing, the Administrative Review Panel will deliberate and shall advise the respondent, in writing, of its determination and of the sanction(s) imposed, if any. The Administrative Review Panel will disclose, to the complainant, the determination and sanction(s) that may pertain to them in writing.
- e. A recording of the Administrative Review Hearing will be taken by the University and may be used in review of the case by the Administrative Review Panel and/or Appeal Officer. All other recordings are prohibited. Any recording made by the University is property of University of Massachusetts Dartmouth. Any person(s) eligible to submit an appeal may schedule an appointment to listen to the audio recording in the Office of Community Standards. The Office of Community Standards does not transcribe audio recordings.

Sanctions

1. The following sanction list must not be considered exhaustive, and sanctions may be imposed individually or in varying combinations.
 - a. **University Warning:** A written notice that a student has violated the Code of Student Conduct and that another violation may result in increased sanctioning.
 - b. **Housing Probation:** Shall be imposed for a period of 1-2 years. During this period a student found responsible of a violation of the Code of Student Conduct may be subject to immediate removal from University Housing. A student on Housing Probation shall not represent University Housing as an official delegate, representative, or as a holder of office or committee chair in University Housing groups of any kind.
 - c. **Removal from Housing:** Separation of a student from University Housing. The student also loses the privilege to visit the residence halls or surrounding areas during the time of separation. This sanction is for a period of 1-2 years or could be permanent.
 - d. **University Probation:** Shall remain in effect for a specified period, generally not less than one year and not to exceed two calendar years from the time of the student conduct decision. During this period, a student found responsible of a violation through the Community Standards process may result in University Suspension or University Dismissal. A student under the sanction of University Probation shall not represent the University as an official delegate or representative, including participation in a Study Abroad program, athlete, or as a holder of office or committee chair in University groups of any kind.
 - e. **University Suspension:** Separation of a student from the University. This prohibits the student from registering for classes or from attending the University while the suspension is in effect. University Suspension shall remain in effect for a specified period, generally not less than one year and not to exceed two calendar years from the time of the student conduct decision. During suspension, a student is banned from campus and may not participate in any University activity or program for the remainder of the separation. At the end of the specified period and after all sanctions have been completed the student may apply for re-enrollment using the Readmission Application found at <http://www.umassd.edu/registrar/forms/>. It is important to note that readmission to the University does not guarantee that a student will be readmitted.
 - f. **University Dismissal:** Separation of a student from the University. This is a permanent separation. The student is not eligible for readmission.
 - g. **Additional Sanctions:**
 - i. **Restitution:** Action requiring a student to make compensation for loss, damage, or injury the student may have caused. Restitution may accompany another sanction.
 - ii. **No contact** with a specific student, faculty, staff, or community member, where all direct or indirect (via a third party on their behalf and with their knowledge) verbal, physical, and electronic forms of contact are prohibited.
 - iii. **Fees or fines** may be assessed for alcohol and drug violations or incidents involving a physical altercation, as well as in matters where an assessment of damages has occurred.
 - h. The following additional sanctions may be imposed upon registered student organizations:
 - i. Loss of Recognition of all University privileges for a designated period of time. Conditions for future recognition may be specified.
 - ii. All sanctions listed above.
2. **Aggravating factors:**
 - a. If a student is in violation of the Code of Student Conduct and the behavior has been deemed to have been motivated by bigotry or bias against a member of a federally protected class of people, including but not limited to, race, ethnicity, ancestry, national origin, religion, gender,

- sexual orientation, gender identity or expression, age, veteran status, physical or mental disabilities, including learning disabilities, intellectual development disorders and past/present history of a mental disorder, the Conduct Conference Facilitator, Investigator or Administrative Review Panel may enhance the sanctions.
- b. Any act that may be considered retaliatory in nature is strictly prohibited and may enhance the sanctions.
3. **Failure to complete sanctions:** A student who fails to complete agreed upon or formally issued sanctions by the deadlines provided may be charged with failure to complete sanctions as a violation of the Code of Student Conduct, or a Community Standards hold may be placed on the student's account pending the completion of the sanction.

Appeal

1. Students are not able to appeal a decision if they fall into one of the following categories:
 - a. Failed to participate in the investigation and has been issued a decision in absentia.
 - b. Accepted responsibility and reached an agreement at the Conduct Conference.
 - c. Was issued a warning as a sanction.
2. A decision made by the Administrative Review Panel may be appealed by a respondent or complainant within five business days of the decision. To be considered, all appeals must be in writing, cite the grounds for appeal, provide rationale supporting the grounds for appeal and must be submitted via the link provided in the Decision Letter or by emailing Community.Standards@umassd.edu.
3. An appeal shall be limited to review of the case information and subsequent findings. The grounds for appeal shall be limited to the following reasons:
 - a. The basic rights and procedures outlined in this document were omitted, ignored or violated and that impacted the outcome.
 - b. New information or evidence exists, that is relevant to the case, that was unobtainable or unknowable at the time of the Administrative Review Hearing.
4. If an appeal is submitted, sanctions imposed by the Administrative Review Panel, or interim actions imposed prior to the decision may be in effect during the appeal process. Please contact the Office of Community Standards with questions about sanctions during appeal.
5. Information regarding appeal for sexual misconduct matters can be found here: <https://www.umassd.edu/diversity/>

Accommodations for Students with Disabilities

1. A student with a disability who desires an accommodation in reference to a meeting related to student conduct must request an accommodation by following the procedure for requesting an accommodation through the Center for Access and Success. The Center for Access and Success will make a determination regarding the request and notify the appropriate parties. A student will not be considered to have a disability unless and until the student registers with the Center for Access and Success. Please contact the Center for Access and Success for further information.
2. Reasonable accommodations depend upon the nature and severity of the individual's documented disability and the setting for which the accommodations are requested. The University is not required to grant a requested accommodation that is unreasonable, ineffective, an undue burden or substantially alters a University program, service or practice. Reasonable accommodations will be provided as required by law.
3. All students, irrespective of a disability, substance use issue, mental health condition, and/or any other condition are expected to adhere to the Code of Conduct and University policies. The American with Disabilities Act does not protect behaviors alleged to be a consequence of a disabling condition.

Interim Action

The Vice Chancellor for Student Affairs or designee may impose an interim suspension from the University, an interim removal from housing, and/or other necessary restrictions on a student prior to a Community Standards resolution. Such an action may be taken when, in the professional judgment of a University official, a threat of imminent or ongoing harm to persons, property, or the educational/living environment exists.

An interim action is not a sanction and only are in effect until the conclusion of the Community Standards process. Violations of an interim action may result in increased violations and sanctions of the Code of Student Conduct. This increase in sanction may include University Suspension or University Dismissal.

A student who receives an interim action may request a meeting with the Vice Chancellor for Student Affairs or designee discuss an interim action and may provide information as to why or how an interim action is not warranted. Regardless of the outcome of this meeting, the student may still be referred to the Community Standards process.

Student Conduct Records

The Office of Community Standards shall maintain Community Standards records as they are deemed education records. Generally, records are not released without the written consent of the student; however, certain information may be shared if there is a legitimate legal or educational interest in obtaining it. For more information, please see the federal Family Educational Rights and Privacy Act of 1974.

Case records shall be destroyed three years after the student's separation from the University for all cases that do not result in Dismissal from the University. For cases resulting in Dismissal from the University, all case records will be held for 25 years from the date of the incident.

Interpretation and Revision

1. All questions regarding interpretation of the Code of Student Conduct shall be referred to the Director of Community Standards for final determination.
2. The Code of Student Conduct shall be reviewed on behalf of the Vice Chancellor of Student Affairs as requested.

Alcohol Policy
UMass Dartmouth
Revised 8-3-16

Policy Title	UMass Dartmouth Alcohol Policy
Policy Number	STU-004 (revised 8/3/16) (Revised 7/12/21)
Effective Date	August 3, 2016
Responsible Office	Student Affairs
Related Policies	Medical Amnesty Policy, Drug Policy

I. Policy Statement

The University of Massachusetts Dartmouth is committed to the academic and personal success of its students. It is also committed to the health and well-being of all members of the University community. With this in mind, the University Alcohol Policy has been established to ensure that the use of alcohol does not adversely affect the effective functioning of the University nor inhibit the freedom of students to pursue their goals while attending the institution. This policy has also been established to inform students, faculty, staff, alumni, contractors, vendors, and visitors of the laws, policies, practices, and sanctions that govern the use of alcohol. The University must and will uphold local, state and federal laws governing alcohol possession, use, and distribution. Consistent with its mission, the University of Massachusetts Dartmouth is also committed to providing education about alcohol as well as intervention and support services to address alcohol abuse and its effects.

Jurisdiction: The University of Massachusetts Dartmouth Alcohol Policy applies to all students studying at any affiliated UMass Dartmouth site (including Study-Away locations) and all University owned property and buildings as well as any grounds and facilities that are rented or leased by the institution. This policy also pertains to behavior at off-campus locations that adversely impacts the University.

II. Purpose

The Alcohol Policy represents the University's commitment to the health and well-being of all members of the University community with regard to the use of alcohol. It also represents the University's adherence federal, state, and local regulations regarding the use of alcohol.

III. Definitions

Medical Amnesty - see Medical Amnesty Policy

Practices Allowed by the UMass Dartmouth Alcohol Policy:

Those of legal drinking age may possess and consume alcohol according to Massachusetts State Law. Students may not possess open alcohol containers in public areas of campus-owned properties. Additionally, students are expected to comply with all related policies and procedures as stated in the Student Handbook and the Residential Student Contract. Students possessing or consuming alcohol may be required to produce identification by an identified University official to provide proof of age.

Violations of Policy:

Students who are under the legal drinking age:

- May not be under the influence of (consume) alcohol
- May not possess alcohol
- May not be in the presence of alcohol and will be charged with a violation of the Complicity Policy if seen in the presence of alcohol

Students who are of legal drinking age:

- May not possess open containers of alcohol in any public area on campus except at an approved University event. Public areas include anywhere outdoors, classroom buildings, dining facilities, library, athletic facilities as well as hallways, stairwells, porches/balconies, public restrooms, lounges, lobbies, laundry rooms, and other public areas of the residence buildings.
- May not use alcohol in the presence of minors unless at a University sanctioned event.
- May not provide alcohol to those under the legal drinking age.
- May not possess or remain in a University-owned space where common source containers, not limited to a quarter-keg, pony keg, wine box, beer ball, Jell-O shots, or ice luges are present or where alcoholic drinking games are being played.
- May not drive while under the influence or alcohol

All students regardless of age:

- May not produce, manufacture, brew, distill, or otherwise create alcoholic beverages on campus
- Must abide by the drinking laws of the immediate locale while on an away program such as Washington Semester or Study Abroad or at any University sponsored or approved trip or program
- Must adhere to all applicable policies when hosting both student and non-students guests. (See Host Policy, Guest Policy, Quiet/Courtesy Hour Policies.)
- May not set up or participate in drinking games regardless of type of substance used in the game. Such games mimic high-risk drinking behaviors and may, in and of themselves, pose a danger to participants as with water intoxication.

Student Groups (includes student organizations, Greek organizations, athletic teams, etc.):

- Student Groups must make every effort to ensure the safety and well-being of participants in their activities and events. They must refuse entry to anyone who appears to be intoxicated and must alert University officials if a participant appears to be intoxicated to the point of being of harm to themselves or others. In the case of off-campus events, the group hosting the event must notify staff at the venue that a participant is intoxicated to the point of harming themselves or others. They must also report instances of underage drinking to the proper authority if it is observed.
- Student Groups must ensure that participants do not bring alcohol into their events or use alcohol during their events including on buses or other vehicles used for transportation to and from off-campus locations.

Guidelines for Residential Communities:

First Year Communities (Balsam, Spruce, Chestnut, Maple Ridge, Roberts, and Elmwood)

- These are alcohol-free zones. No student, including student staff, regardless of age, may

possess alcohol in these buildings.

Oak Glen/Pine Dale/Elmwood Transfer Community

- Only students of legal drinking age may possess or consume alcohol in these environments. Students of legal drinking age who live in the same room with students who are under the legal drinking age must store alcohol in a location that is out of plain sight. They may only have alcohol in a private refrigerator or in a space that is clearly their portion of the room. They must make every effort to prevent access by underage students and guests to their alcohol.

Woodland Apartments/Cedar Dell Townhouses:

- When all residents of a unit are of legal age, alcohol may be stored in public areas of the unit such as the kitchen, living room, etc.
- When a portion of the residents of the unit are of legal drinking age and a portion are under the legal drinking age, alcohol may only be stored in the private bedroom(s) of those who are of legal drinking age and with the door closed.
- Only students of legal drinking age may possess or consume alcohol in these environments.

Rules and Regulations Governing the Sale and Serving of Alcohol:

The laws of Commonwealth of Massachusetts, the Town of Dartmouth, and policies of the University of Massachusetts Dartmouth and the regulations of SMUSERV, Inc. govern the service and sale of alcoholic beverages on the UMass Dartmouth campus. In recognition of these laws, rights, and responsibilities, the following rules and regulations are hereby published:

- The serving and/or sale of any alcoholic beverages by any organization other than SMUSERV, Inc. is not authorized.
- The SMUSERV, Inc. club license permits alcoholic beverages to be served or sold at UMass Dartmouth; however, the sale of alcoholic beverages is prohibited in all University buildings with the exception of the following licensed areas: Campus Center (all floors), west patio of Campus Center, Residents Dining Hall currently termed Marketplace, Woodlands Commons Community Building, Auditorium Lobby, Foster Administration Building (third floor) and Group VI currently termed CVPA.
- The advertising of the selling of spirits, including beer and wine, is forbidden by provision of the club license. Each organization must receive approval through the Conference and Events Office prior to the function being booked, indicating that they understand the above regulation; and if they advertise, the advertisement must be approved through the SAIL (Student Activities Involvement and Leadership) Office prior to printing or the event may be cancelled.
- All bar service shall be closed no later than 12:15a.m.; however, Campus Services management, or Public Safety, reserves the right to close any bar at an earlier time to preserve the health and safety of its patrons.
- Due to the special nature of a club license, all guests at any Campus Services functions serving alcoholic beverages must be registered. The organization shall be charged a nominal general registration fee to cover all guests in attendance.
- Campus Services management reserves the right to refuse to serve anyone who in its best judgment may be under the influence of alcohol, or for any reason necessary in its judgment to preserve the health and safety of its employees, customers, guests, or the community. All servers receive training mandated by the Town of Dartmouth General By-Laws.
- Any law of the Commonwealth of Massachusetts, Town of Dartmouth, and regulations of SMUSERV,

Inc. are incorporated herein. Individuals served must be members of SMUSERV, Inc. or a recognized guest.

Alcohol Advertising and Promotion:

UMass Dartmouth prohibits advertising of both internal and external events and establishments at which alcohol will be served that violate the spirit of legal, healthy, and responsible use of alcohol. This pertains to University and student publications, signs and flyers, and social media sites of recognized University departments and student organizations. Any advertisement of alcohol must be approved by the following:

Campus Center: SAIL Office

Residential Buildings: Office of Housing and Residential Education

All other Buildings and Outdoor Areas: Campus Facilities Office

IV. Procedures

Consequences for Violations of Policy:

Students who choose to violate the alcohol policy as specified above, will likely be charged with a violation of policy through the Student Conduct Process. (See **Code of Student Conduct.**) The Office of Community Standards receives and acts on reports written by Residential Education staff, University of Massachusetts Dartmouth Police, and other University community members about incidents involving alcohol. It is also important to note that the Office of Community Standards routinely receives reports from local Police Departments and from other colleges and universities at which students visit. When a student is accused of a violation of this alcohol policy, s/he will receive a Conduct Conference Notification via his/her UMass Dartmouth email account and will meet with a Conduct Conference Facilitator to review the conduct process, the report(s) related to the alleged violation(s), and the specific alleged violations resulting from the incident. The Conduct Conference Facilitator and student will then decide how to best proceed through the process and resolve the matter.

In accordance with its commitment to a safe and healthy educational community, the University of Massachusetts Board of Trustees has approved the following sanctions for students who have been found in violation of the alcohol policy. It is important to note that sanctions for violations of the alcohol policy and the drug policy are cumulative during the time that a student is enrolled at the University. In accordance with provisions allowed by FERPA (Federal Education Rights and Privacy Act), UMass Dartmouth routinely informs parents/guardians of students of violations of the alcohol policy and the drug policy regardless of the age of the student. UMass Dartmouth believes that parents/guardians play an important role in addressing concerning behaviors with their student.

Mandatory Minimum Sanctions in Student Conduct Process for Alcohol Violations:

Violation	Disciplinary Sanction	Educational Sanctions:	Fee	Parent/Guardian Notification**
1 st Minor	University Warning	Under the Influence- online alcohol course	\$35 paid to 3 rd Millennium Classroom	Letter
2 nd Minor	University Probation 1-2 years	Alcohol Assessment with AdCare/Gosnold/Other	Health Insurance Co-Pay	Letter/Phone Call Requested
3 rd Minor	-Suspension from the University 1-2 years -Banned from Campus during suspension	Alcohol Treatment with Licensed Provider	Health Insurance Co-Pay	Letter/Phone Call Requested
Hospitalization on Arrest Prat. Custody	University Probation 1-2 years	Alcohol Assessment with AdCare/Gosnold/Other	Health Insurance Co-Pay	Phone Call from Dean On Call/Letter
Distribution of Alcohol to Minors	Permanent Removal from Housing/No Visitation/ University Probation 1-2 years	Based on specifics of incident		Letter/Phone Call Requested

**Parent/Guardians are notified after the Community Standards Process is complete. For those hospitalized or taken into protective custody, the Office of CARE and Advocacy or Dean on Call will call the student's Emergency Contact.

NOTE: The above sanctions may prevent students from holding leadership positions, being hired for particular student positions, and participation in athletics, study abroad programs, and internships.

Legal/Criminal Action:

In addition to the Student Conduct Process and in accordance with local laws, students may be taken into Protective Custody, Arrested, or receive a Summons to Court for alcohol-related incidents.

V. Responsibility

Questions regarding the UMass Dartmouth Alcohol Policy may be directed to the Office of Student Affairs, the Office of Community Standards, the Office of Housing and Residential Education, and the University Alcohol Committee

VI. Attachments

<http://www.umassd.edu/housing/termsandconditions/>

Appendix B Drug Policy

Policy Title: UMass Dartmouth Drug Policy

Policy Number: STU-004A

Effective Date: November 19, 2018 (Revised 7/12/21)

Responsible Office: Student Affairs
Related Policies: Medical Amnesty Policy, Alcohol Policy

I. Policy Statement

The University of Massachusetts Dartmouth is committed to the academic and personal success of its students. It is also committed to the health and well-being of all members of the University community. With this in mind, the University Drug Policy has been established to ensure that drugs do not adversely affect the effective functioning of the University nor inhibit the freedom of students to pursue their goals while attending the institution. This policy has also been established to inform students, faculty, staff, alumni, contractors, vendors, and visitors of the laws, policies, practices, and sanctions that govern the presence of drugs on campus. The University must and will uphold local, state and federal laws governing drug possession, use, and distribution. Consistent with its mission, the University of Massachusetts Dartmouth is also committed to providing education about drugs as well as intervention and support services to address drug abuse and its effects.

Jurisdiction: The jurisdiction of the University of Massachusetts Dartmouth Drug Policy encompasses all University owned property and buildings as well as any grounds and facilities that are rented or leased by the institution. This policy also extends to the off-campus behavior of students that adversely impacts the University.

II. Purpose

The Drug Policy represents the University's commitment to the health and well-being of all members of the University community. It also represents the University's adherence to federal, state, and local regulations regarding drugs.

III. Definitions

Practices Allowed by the UMass Dartmouth Drug Policy:

All members of the University may use over the counter (OTC) drugs as prescribed by instructions on the label of the container in which the drug is packaged and may use prescription drugs that have prescribed to them by a licensed prescriber and only as prescribed. Members of the University community may possess the above drugs only in containers in which the drugs were originally issued and are expected to secure their medications in such a way to prevent access by others.

Statement about Medical Marijuana

While Massachusetts state law permits the use of medical marijuana for proscribed individuals, federal law prohibits marijuana use, possession, distribution, and/or cultivation at educational institutions.

Therefore, the use, possession, distribution or cultivation of marijuana for medical or recreational purposes is not allowed on UMass Dartmouth premises including UMass Dartmouth residence buildings; nor is it allowed at any University-sponsored event or activity off campus or any Student Organization event or activity. Anyone who possesses or uses marijuana on University premises may be subject to civil citation, state or federal prosecution, and University discipline.

In addition, no accommodations will be made for any student in possession of a medical marijuana registration card except that UMass Dartmouth may release students from their Residence Hall Contract if approved as a reasonable accommodation for a documented disability requiring use or possession of marijuana for medical purposes.

Statement about Marijuana for Recreational Purposes

While Massachusetts state law permits the possession and use of marijuana for recreational purposes, in limited quantities, for individuals who are 21 years of age or older, federal law prohibits marijuana use, possession, distribution, and/or cultivation at educational institutions. Therefore, the use, possession, distribution or cultivation of marijuana for recreational purposes is not allowed on UMass Dartmouth premises including UMass Dartmouth residence buildings; nor is it allowed at any University-sponsored event or activity off campus or any Student Organization event or activity. Anyone who possesses or uses marijuana on University premises may be subject to civil citation, state or federal prosecution, and University discipline.

Statement about Opioid Use, Abuse, and Dependency

UMass Dartmouth recognizes the seriousness of the current national opioid crisis and that members of our community are directly affected. UMass Dartmouth provides education and support for those affected who are encouraged to seek assistance at the Office of Student Affairs and the Counseling Center. University Police carry Naloxone (Narcan) at all times.

The clinical staff at University Health Services also have access to Naloxone (Narcan). University Police provide a kiosk for any member of our community to safely dispose of unwanted prescription drugs, over the counter medications, vitamins, and even medications intended for pets.

UMass Dartmouth prohibits the possession and/or use of opiates without a prescription from a licensed medical provider. Those with a legitimate prescription must use the medication only as prescribed and are encouraged to secure their medication to prevent access by others.

Statement about Medical Amnesty

Whenever a student assists an intoxicated/impaired person in procuring the assistance of University Police, local or state police, Housing & Residential Education staff, or medical professionals, neither the intoxicated/impaired individual nor the individual who assists will be subject to formal university disciplinary actions for (1) being intoxicated/impaired or (2) possession of alcohol or other drug. For more information, see UMass Dartmouth Medical Amnesty Policy.

Violations of Policy:

- Possession, use, cultivation, and/or distribution of marijuana

- Possession and/or use of prescription medication for which you do not have a prescription
- Sharing or selling medication prescribed to you with another person
- Purchasing or attempting to purchase a controlled substance
- Misuse of over the counter medication
- Possession or use of controlled substances as specified in Chapter 94C of Massachusetts state law
- Sharing, attempting to sell, or selling controlled substances
- Manufacture of a controlled substance
- Possession or use of drug paraphernalia

Student Groups (includes student organizations, Greek organizations, athletic teams, etc.):

- Student Groups must make every effort to ensure the safety and well-being of participants in their activities and events. They must refuse entry to anyone who appears to be under the influence of drugs and must alert University officials if a participant appears to be under the influence of drugs to the point of being of harm to themselves or others. In the case of off- campus events, the group hosting the event must notify staff at the venue that a participant appears to be under the influence of drugs to the point of harming themselves or others.

- Student Groups must ensure that participants do not bring drugs into their events or use drugs during

their events including on buses or other vehicles used for transportation to and from off-campus locations. They must also report instances drug possession or use to the proper authority if it is observed.

Related Violations

Complicity: The act of assisting another person in the commission or attempted commission, of a violation of the Code of Student Conduct. For the purpose of this document, this also includes hosting a guest who commits a violation or being in the presence of a violation and failing to report.

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 behavior to UMassD Police, a University staff or faculty member.

IV. Procedures

Consequences for Violations of Policy:

Students who choose to violate the drug policy as specified above, will likely be charged with a violation of policy through the Community Standards Process. (See Code of Student Conduct on the UMass Dartmouth website.) The Office of Community Standards receives and acts on reports written by Housing and Residential Education staff, University Police, and other University community members about incidents involving drugs. It is also important to note that the Office of Community Standards routinely receives reports from local Police Departments and from other colleges and universities at which students visit. When students are accused of a violation of this drug policy, they will receive a Conduct Conference Notification via their UMass Dartmouth email account and will meet with a Conduct Conference Facilitator to review the student conduct process, the report(s) related to the alleged violation(s), and the specific alleged violations resulting from the incident. The Conduct Conference Facilitator and student will then decide how to best proceed through the process and resolve the matter.

UMass Dartmouth has established mandatory minimum sanctions for violation of the Drug Policy. UMass Dartmouth may increase these minimum sanctions, but may not decrease them. It is important to note that sanctions for violations of the drug policy are cumulative during the time that a student is enrolled at the University. In accordance provisions allowed by FERPA (Federal Education Rights and Privacy Act), UMass Dartmouth routinely informs parents/guardians of students of violations of the drug policy regardless of the age of the student. UMass Dartmouth believes that parents/guardians play an important role in addressing concerning behaviors with their student.

Mandatory Minimum Sanctions in Community Standards Process for Drug Violations:

Violation	Disciplinary Sanction	Educational Sanctions	Fee	Parent/Guardian Notification**
1st Minor	University Warning	Marijuana 101 - Online Course	\$35 paid to 3rd Millennium Classroom	Letter
2nd Minor	University Probation 1-2 Years	Drug Assessment with AdCare/Gosnold/Other	Health Insurance Co-Pay	Letter/Phone Call Requested
3rd Minor	University Suspension 1-2 years; Banned from Campus during University Suspension	Drug Treatment with Licensed Provider	Health Insurance Co-Pay	Letter/Phone Call Requested.
Hospitalization/Arrest/Prot.Custody	University Probation 1-2 Years	Drug Assessment with AdCare/Gosnold/Other	Health Insurance Co-Pay	Phone Call from CARE/Letter
Distribution of Drugs	Permanent Removal from Housing/No visitation/University Probation/University Dismissal/Banned from Campus.	Based on Specifics of Incident		Letter/Phone Call Requested

**Parent/Guardians are notified after the Community Standards Process is complete. For those hospitalized or taken into protective custody, the Office of CARE and Advocacy/Dean on Call will call the student's Emergency Contact.

NOTE: The above sanctions may prevent students from holding leadership positions, being hired for particular student positions, and participation in athletics, study abroad programs; and internships.

Legal/Criminal Action:

In addition to the Community Standards Process and in accordance with local laws, students may be taken into Protective Custody, Arrested, or receive a Summons to Court for drug-related incidents.

Massachusetts Law Regarding Drugs:

Chapter 94C, The Controlled Substances Laws lists specific controlled substances in classes A, B, C, D, E including "marijuana, cocaine, morphine, opium, heroin etc." and also lists criminal penalties for any prohibited use of these substances. These include forfeiture of property as well as imprisonment and other criminal penalties. The law also prohibits misuse of drug paraphernalia.

IV. Responsibility

Questions regarding the UMass Dartmouth Drug Policy may be directed to the Office of Student Affairs, the Office of Community Standards, and the Office of Housing and Residential Education.

V. Attachments <http://www.umassd.edu/housing/termsandconditions/>