

Student Conduct Policies and Procedures

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Student Code of Conduct

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 prohibits violence and will take effective means to end any acts, up to and including dismissal of the offending individual. 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
- 1.3 Sexual Harassment
- 1.4 Dating Violence
- 1.5 Domestic Violence
- 1.6 Sexual Assault
- 1.7 Stalking

- 1.8 Threatening
- 1.9 Endangering One's Own Safety or the Safety of Others
- 1.10 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 student conduct sanction
- 3.13 Violation of conduct restriction
- 3.14 Complicity
- 3.15 Failure to comply with Host Policy
- 3.16 Incident Under the Influence of Alcohol and/or Drugs
- 3.17 Public Intoxication
- 3.18 Violation of law

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
- 4.12 Starting a fire
- 4.13 Causing a fire evacuation

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 or denying others' Access to information or material
- 6.4 Irresponsible, unethical or illegal use of university computer hardware, software, or facilities
- 6.5 Cheating
- 6.6 Fabrication
- 6.7 Facilitating academic dishonesty
- 6.8 Use of proprietary/confidential information
- 6.9 Human or animal subject violation

7) Residential Violations

- 7.1 Guest Policy
- 7.2 Quiet Hours
- 7.3 Residential Rules and Regulations (**see Housing Handbook and Housing Contract for more specific residential 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 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 Misconduct – See UMass Dartmouth Sexual Violence Protocol for definitions of forms of sexual misconduct.

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) or anyone not affiliated with the University 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. However, incidents involving allegations of sexual misconduct may be brought at any time while the accused student is enrolled at the University. All complaints or reported incidents of student misconduct (except for complaints involving sexual misconduct) will be referred to the Department of Public Safety, the Office of Housing and Residential Education, or the Office of Student Conduct and Dispute Resolution for documentation purposes. Complaints of violations of sexual misconduct should be reported to the Office of Student Affairs or the Office of Diversity, Equity and Inclusion. The Office of Student Conduct and Dispute Resolution may, at its discretion, conduct a review of each complaint or incident report. Upon completion of a review, the Office of SC&DR may dismiss the complaint or may refer the matter to the student conduct process.

Reports of alleged violations may be reported using an online form found on the Student Conduct and Dispute Resolution website or at myUMassD in the Campus Tools section. Reports of potential violations of the Code of Conduct may also be filed by completing a statement form at the Department of Public Safety or the Office of Housing and Residential Education. Statements completed with Public Safety or with the Office of

Housing and Residential Education will be forwarded to the Coordinator for Student Conduct and Dispute Resolution for review.

Faculty members are encouraged to report all academic related code of conduct violations via the online form found at myUMassD in the Campus Tools Section. Once completed, the form will be sent electronically to the Student Conduct Office.

Note: Those filing a report for a violation serve as the reporting party for the incident. Accused students have the right to view and receive a copy of any reports filed though reports may be redacted. The Office of Student Conduct and Dispute Resolution will obtain permission to use the name of the individual filing the report and complaint prior to moving forward with the complaint. If the person filing 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 his 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 and will serve as the reporting party.

The University does not tolerate retaliation towards anyone who has reported a potential Code of Conduct violation.

III. Communication and Scheduling Procedures

Student conduct related notifications are generally made to the UMass Dartmouth email account. Confirmation of delivery by the University's email server will be considered the confirmed delivery date and time of notification. Once notified of a student conduct matter, it is recommended that the student check her UMass Dartmouth email account at least once daily until the matter is resolved.

Student conduct related meetings are generally scheduled around the posted class schedule of the accused student and the reporting party if the reporting party is a student. Requests to schedule around work, sport, club, or others schedules are generally not approved.

IV. Concurrent Criminal or Civil Proceedings

Student Conduct disciplinary proceedings may be carried out prior to, simultaneously with, or following civil or criminal proceedings for the same matter at the discretion of the Coordinator of Student Conduct and Dispute Resolution or designee. Student Conduct proceedings will not be subject to challenge on the grounds that civil or criminal charges involving the same matter have been dismissed or reduced.

V. 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 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.

In matters involving a Title IX Investigation for Sexual Misconduct, both the accused student and the reporting party may have an advisor of their choice. This advisor does not have to be a member of the University community.

The role of the advisor in *all* cases, whether or not 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 her at their formal proceeding, but 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 volunteer advisors. Advisors are students, faculty, and staff who are well versed and trained in student conduct proceedings. Volunteer advisors have the right to refuse to aid any student, should she 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 own work, free from plagiarism, so the student engaged in a student conduct proceeding is expected to carry on his own dialogue within a student conduct proceeding, presenting his ideas and thoughts.

During a Student Conduct proceeding, if it becomes apparent 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 her personal thoughts in 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.

VI. Standard of Evidence

Regardless of at what stage in the student conduct process the matter is resolved, in determining whether a violation of the Code of Conduct has occurred, the standard of More Likely Than Not is applied. This standard may also be referred to as the Preponderance of the Evidence.

VII. Notification of Alleged Violation

A student shall be notified, via email to the student's UMass Dartmouth email address in a Conduct Conference Notification that the student is alleged to have violated the Code of Conduct. This notice will be sent by a Conduct Conference Facilitator who may be a Resident Director, the Coordinator of Residential Community Standards, the Coordinator for Student Conduct and Dispute Resolution or a Graduate Assistant, generally within 72 hours of the incident or complaint. The notification shall include a request that the student attend a Conduct Conference, to be held no sooner than three (3) consecutive business days following date of the original notice, unless he 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 Conduct Conference generally occurs within two weeks of the incident. The Conduct Conference is scheduled with the student's class schedule in mind.

Alleged Violations of Sexual Misconduct or Hazing

Incidents involving allegations of sexual misconduct or hazing are immediately sent to an investigator for a thorough investigation. In these cases the investigator will schedule a meeting with the student using the student's UMass Dartmouth email account. The information that is normally presented at the Conduct Conference will be reviewed in the first meeting with the Investigator.

VIII. Conduct Conference Procedures

At the Conduct Conference, the student has the opportunity to discuss the incident, review any reports regarding the matter, and review her options for resolution of the complaint. A student's failure to attend the Conduct Conference, without prior notice to 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.

If the student wishes to take responsibility for the alleged violation(s), the student is able to resolve the incident with the Conduct Conference Facilitator.. The Conduct Conference Facilitator may present a recommendation for resolution based exclusively on the student's statement at the Conduct Conference and the written report. If the student accepts the recommendations including the sanctions decided with the Conduct Conference Facilitator, the outcome is an agreement and may not be appealed. If the student does not take responsibility for the violation(s), the matter would be forwarded to an investigator for a full investigation. NOTE: All allegations of sexual misconduct including sexual harassment, sexual assault, rape, dating violence, domestic violence, and stalking are immediately forwarded to a Title IX Investigator as required by federal law. All allegations of hazing are immediately forwarded to an investigator as well.

IX. Investigation Guidelines and Procedures

When a matter is not or cannot be resolved in the Conduct Conference, a trained investigator is assigned by the Coordinator of Student Conduct and Dispute Resolution or designee. The investigator will make all reasonable attempts to gather all relevant information to determine whether or not the Code of Conduct was violated using the More Likely Than Not standard. The investigator will review all written materials and will interview both the student who is alleged to have violated the Code of Conduct and the reporting party. The investigator may also, at his discretion, interview anyone alleged to have been harmed, any residence hall staff or police officers (other than the reporting party) who responded to the incident, as well as any witnesses to the incident. The accused student and the reporting party may submit questions to the investigator to be asked of others who may be interviewed. The investigator will use discretion as to whether the suggested questions will be asked. The investigator will also review the student's prior student conduct history and any other student records. Where possible this investigation will be completed within 2 weeks after being assigned to the investigator.

Once the investigation is completed, the investigator will write a report of the findings including 1) a summary of the facts 2) a finding of responsible or not responsible for each alleged violation with a rationale using the More Likely Than Not standard; 3) recommendations for sanctions where applicable. The report will be completed within 5 business days of the completion of the investigation and will be sent to the accused student and in cases of violence and/or sexual misconduct, to anyone victimized in the incident.

Upon receipt of the investigator's findings, the accused student, and in cases of violence and/or sexual misconduct, the reporting party, and anyone victimized may within 5 business days submit a written response to the investigator's report to be included in the review of the findings by the Administrative Review Panel.

The investigator's report and any written responses will be reviewed within 5 business days by an Administrative Review Panel consisting of 1 faculty/staff and 2 students who are trained to review student conduct findings. NOTE: In cases of Sexual Misconduct, the Administrative Review Panel will be made up of 3 faculty/staff who have specialized training in these types of cases. The Administrative Review Panel may:

- 1) Accept and affirm the findings of the investigator
- 2) Accept and affirm the findings of the investigator but alter the recommended sanctions
- 3) Reject the findings of the investigator
- 4) Return the matter to same investigator with recommendations
- 5) Return the matter to be investigated by a different investigator

Following the review of the findings by the Administrative Review Panel, the accused student, the reporting party, and anyone victimized in this incident will be sent a decision letter within 3 business days by the Coordinator of Student Conduct and Dispute Resolution or designee. The accused student and in case of violence and/or sexual violence, the presenting party, and anyone victimized may accept the decision or submit an appeal if they feel that they can meet grounds for appeal as outlined in the appeal process. If an appeal is submitted, sanctions imposed by the Administrative Review Panel may be in effect during the appeal process. Please contact the Student Conduct Office with questions about sanctions during appeal. Note: If an Interim Suspension from the University or Interim Removal from Residence was imposed either prior to and during the student conduct process, that interim status will remain in effect until the appeal is decided.

X. Appeal

Appeal Officers:

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

Jurisdiction

Appeal Officers shall have jurisdiction in the following areas:

- Appeal of conduct-related decisions of the Administrative Review Panel •
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 investigator or administrative review panel member found by the University Appeal 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 Appeal Officer.

Procedures:

An accused student, a presenting party, and/or a victim, who has been informed of the decision of the Administrative Review Panel may submit an appeal, in writing, to the Office of Student Conduct and Dispute Resolution via the link provided in the Decision Letter or by a letter sent to the Office of Student Conduct and Dispute Resolution. The written appeal must state the grounds upon which the appeal is based. Students are not able to appeal a decision if they fall into one of the following categories: 1) failed to participate in the investigation and has been issued a decision in absentia; 2) accepted responsibility and reached an agreement at his/her Conduct Conference; or 3) was issued a warning as a sanction.

Possible grounds for appeal are allegations that: (1) the basic tenets of due process provided by this document were omitted, ignored, or violated or (2) new evidence exists that is relevant and that was unobtainable or unknowable at the time of the original decision.

The appeal petition must be written by the accused student, the presenting party, and/or anyone victimized. Exception: A student may choose to have his 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 Conduct and Dispute Resolution, or designated location, no later than five (5) consecutive business 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 format for a petition for the appeal. The appealing party has the responsibility to make the petition sufficiently lucid and detailed so as to allow the Appeal Officer to understand the nature of the petition. If the Appeal Officer determines that a petition is improperly drafted or that it is insufficiently detailed, the Appeal Officer shall inform the petitioner and she shall have the right to submit an amended appeal within three (3) consecutive business days following said notification. If the appeal is not resubmitted in the specified time given, the appeal will not be considered.

The Appeal Officer shall grant a hearing upon receipt of a petition of appeal whenever it is determined that the petition raises substantive issues relative to the grounds for appeal enumerated above.

NOTE: If an appeal is submitted, sanctions imposed by the Administrative Review Panel may be in effect during the appeal process. Please contact the Student Conduct Office with questions about sanctions during appeal.

If an Interim Suspension from the University or Interim Removal from Residence was imposed either prior to and during the student conduct process, that interim status will remain in effect until the appeal is decided.

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

The appeal hearing is to be strictly limited to a review of the record of the original proceeding. 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 or unknowable at the time of the original hearing.

The decision of the Appeal Officer may include the following: 1) Affirm and uphold the decision of the Administrative Review Panel. 2) Reject and overturn the decision of the Administrative Review Panel. 3) The accused may be found not responsible any of the original violation(s). 4) The accused may be found responsible of the original violation(s) and any of the full range of available items under the Sanction section of this document may be applied. 5) The matter may be returned to the Administrative Review Panel with instructions.

XI. Post Student Conduct Process Information/Student Conduct Records

If anyone involved in the Student Conduct Process 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 the Student Conduct Process 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 in the Student Conduct Process, and who is assessed a sanction, and who refuses to comply with the sanctions imposed may be found in violation of the Student Code of Conduct and is subject to an additional violation of Failure to Comply with Student Conduct 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 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 for which the student was found responsible, 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.

XII. Emergency Procedures

In cases of discipline arising from extraordinary or emergency conditions, the Chancellor or her designee may invoke the action of interim suspension of a student or group of students who act, or refuse to act, if the result of said conduct is to interfere with the rights of others and is non-peaceful or is disruptive or said conduct constitutes a clear and present danger to the health, safety, or property of others.

XIII. 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 calendar years from the time of a decision by a student conduct entity. At the end of the specified period and after all sanctions have been complete the student may apply for re-enrollment using the Readmission Application found at <http://www.umassd.edu/registrar/forms/>. There is a readmission fee. It is important to note that readmission to the University does not guarantee that a student will be readmitted to the major of choice. Those decisions are made by the department chair.

Deferred Suspension shall be imposed for time periods similar to that for suspension. During this period a student found responsible of a violation by the student code of conduct proceeding may be subject to immediate Interim Suspension from the University. A student under the sanction of Deferred Suspension shall not represent the University as an official delegate, representative including participation in a Study Abroad program, 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 code of 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 including in a Study Abroad program, 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 lesser sanctions as may be deemed appropriate

Loss of Privilege allows a student conduct entity to restrict the activity of the student while 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:

Removal from Housing prohibits the student from residing in University Housing either for a period of 1-2 years or permanently.

Deferred Removal from Housing shall be imposed for a period of 1-2 years. During this period a student found responsible of a rule violation by the student code of conduct proceeding may be subject to immediate removal from University Housing. A student under the sanction of Deferred Removal from Housing 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.

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.

Warning by the student conduct process, normally in writing, is intended to make the student aware of the possible consequences of individual or group actions.

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

Administrative Reassignment within Housing and Residential Education 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.

Revocation of Admission or Degree may be revoked for fraud, misrepresentation, or another violation of the Code of Conduct in obtaining the degree or for other serious violations committed by a student after admission or prior to graduation.

The following additional sanctions may be imposed upon registered student organizations:

- 1) Loss of Recognition of all University privileges for a designated period of time. Conditions for future recognition may be specified.
- 2) All sanctions listed above.

XIV. 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.

Approved: _____

Dr. Robert E. Johnson, Chancellor

Date: _____

2/27/18