

## **University of Massachusetts Boston Student Code of Conduct**

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Preamble: The University of Massachusetts Boston (“University”) is in an urban 21st Century research setting, and is therefore an inseparable part of the local community and surrounding neighborhoods. The Code of Conduct (the “Code”) is established to set clear community standards of respect for persons, property, the University community, and the process and procedures addressing unacceptable conduct in which these standards will be governed. This Code reflects the University's mission and identity, and it exists to maintain and protect an environment conducive to learning. Consistent with that purpose, reasonable efforts will be made to take an educational approach to address violations of University policies in order to assist students in learning from their mistakes and understanding how their behavior impacts others while the University maintains the welfare of the community as a whole. The Code is set forth in writing to give students general notice of prohibited conduct. The descriptions of prohibited conduct should be read broadly and are not designed to define expectations or misconduct in exhaustive terms.

Because the Code is based on shared values among members of our University community, it sets a broad range of expectations for students no matter where or when their conduct may take place. Generally, the Code is not limited to behavior within the formal boundaries of the University premises. Therefore, the University reserves the right to take necessary and appropriate action to protect the safety and well-being of the University community, to protect the continuing operation of the University, and to serve as a model representative of the greater Boston community.

Each student and Student Organization is responsible for reading, reviewing, and abiding by the standards of conduct set forth in the Code, as well as the rules, regulations, policies, and procedures contained in other official University publications and announcements. Notification of a Code violation or decision of a Code violation is issued to a student through the student’s University email account.

## **General Expectations**

Each member of the University community enjoys the same basic rights and is expected to respect the rights of others. Those rights include but are not limited to:

- freedom from personal abuse and threats of violence;
- access to all University services, programs, and activities;
- a supportive learning environment that enables all to participate fully within the University.

Membership in the University community is a privilege for those who are invited to join. Becoming a student brings a responsibility to adhere to the values of the University community. Some of these core values include:

- Maximizing teaching and learning relationships.
- Promoting personal and professional growth.
- Fostering the University's responsibility to the public.
- Increasing diversity and global awareness.
- Serving as an agent of social justice.

University students and student organizations, teams, and groups who breach the trust and values extended to them by violating a university policy(ies), shall be held accountable for their actions. The Code defines the responsibilities of students and provides a process for responding to allegations of student misconduct in a way that accords with the values of the University.

## **Part I: Student Conduct Authority**

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 Boston, who in turn has delegated authority over student conduct to the Vice Chancellor for Student Affairs and authority for student academic dishonesty to the Provost and Vice Chancellor for Academic Affairs.

The University reserves the right to change the provisions of the Code in accordance with University policies or the law whenever such action is deemed appropriate or necessary. The University will publish such amendments in relevant campus publications and on the Office of the Dean of Students website.

Questions, comments, and suggestions, should be forwarded to the Office of the Dean of Students. The Code may be reviewed annually by the Office of the Dean of Students.

**Part II: Definitions:** The following selected terms are defined in an effort to facilitate a more

thorough understanding of The Code. This list is not intended to be a complete list of all the terms referenced in The Code that might require interpretation or clarification. The Dean of Students, or designee, shall make the final determination on the definition of any term found in The Code.

1. **“Administrative Conference Agreement”** means the final agreement regarding violations and/or sanctions agreed upon between the Conduct Officer and the student or Student Organization.
2. **“Administrative Review Officer”** means a University staff member who is authorized to determine the appropriate resolution of an alleged violation of The Code, conduct an Administrative Review, and/or to impose sanctions or affect other remedies, including remedial measures, as appropriate.
3. **“Administrative Review Committee”** means one or two University Administrative Review Officers who review the investigation report submitted by the conduct officer and are responsible for issuing a formal decision in the matter
4. **“Advisor”** means any person who accompanies a respondent, a complainant, or a victim for the limited purpose of providing support and guidance. An advisor will not directly address the Conduct Officer, or Administrative Review Officer, question witnesses, or otherwise actively participate in the Student Conduct Process, including the Appellate Process. Requests to change proposed meetings to accommodate an Advisor’s schedule will not be considered.
5. **“Appellate body”** means any person or persons authorized by the Provost, Vice Chancellor for Student Affairs, or designee, to conduct a review of a decision reached by an the Administrative Review Committee.
6. **“Business day”** means any day, Monday through Friday, that the University is open for regular business.
7. **“Coercion”** is the use of an unreasonable amount of pressure to engage in sexual activity. Coercion does not begin when the initiator makes an initial sexual advance. Coercion begins when the initiator continues to pressure another, through the use of psychological/emotional pressure, alcohol, drugs, threat, intimidation, or force, to engage in sexual behavior, when a reasonable person would realize that the other does not want to engage in sexual activity.
8. **“Community Restitution Project”** means an assignment of an appropriate service project that will benefit the University community, responsible student, or others.
9. **“Conduct file”** means the printed/written/electronic file which may include but is not limited to incident report(s), email and written correspondence, witness statements, and discipline history. Conduct file records, including those resulting in a finding of “responsible,” for discipline and academic violations are maintained by the

University for a period of at least seven (7) years from the date of the incident. Records within the conduct file are subject to the protections and release provisions of the Family Educational Rights and Privacy Act (FERPA) of 1974, as it may be amended from time-to-time, as well as any other privacy or confidentiality laws applicable to the University.

10. **“Conduct Officer”** is a staff member authorized on a case-by-case basis by designation of the Dean of Students, or their designee, to determine the appropriate resolution of an alleged violation of *The Code*, and/or to impose sanctions or affect other remedies as appropriate.
11. **“Complainant”** means any person, or the University itself, who submits an allegation that a student or a Student Organization violated *The Code*. When a student believes that he/she has been a victim of misconduct of another student or Student Organization, the student who believes he/she has been a victim will have the same rights under *The Code* as are provided to the Respondent even if another member of the University community submitted the allegation itself.
12. **“Consent”** is permission to engage in communication and/or a specific, mutually-agreed upon sexual activity that is given freely, actively, and knowingly, using mutually understandable and unambiguous words or actions, or—in plain language—to agree to do the same thing, at the same time, in the same way, with each other.
  - Consent cannot be inferred by silence, passivity, or not resisting;
  - Consent cannot be implied by a current or previous dating or sexual relationship;
  - Consent to one form of sexual activity does not imply consent to other forms of sexual activity;
  - Consent is not indefinite; it is revocable and may be withdrawn at any time, using words or actions such that a reasonable person would understand a lack of continued consent;
  - Consent cannot be given by person who is
    - Asleep;
    - Incapacitated by drugs or alcohol;
    - Unconscious;
    - Mentally or physically incapacitated; or
    - Under duress, intimidation, threat, coercion, or force.
  - Consent cannot be given by a person under the age of 16.

It is the responsibility of the person seeking to initiate the sexual activity or conduct to affirmatively obtain consent, not the intended recipient of such conduct to deny such consent.

- a. **Inability to Consent** - There are a number of factors which may limit or negate a person’s ability to consent to a sexual act. These include but are not limited to age, impairment due to the influence of alcohol or drugs (illegal or prescription), an intellectual or other disability, a person’s temporary or permanent mental or

physical impairment, unconsciousness, fear and/or coercion.

13. **“Confidential Employee”** is an employee who, because of his/her position, may not reveal an individual’s identity or other information without permission, even to the Title IX Coordinator(s).

The following categories of employees are confidential employees:

- Licensed sexual assault counselors, psychologists, psychotherapists, social workers, clergy, and attorneys, and those persons working under the supervision of such individuals, when acting in their professional role providing services to a patient or client;
- University employees bound by statutory privilege obligations under Massachusetts law; and
- University employees providing administrative, operational and/or related support for a confidential employee in the performance of such services.

14. **“Dating Violence”** is abusive behavior (including, but not limited to, physical, emotional, and/or sexual acts or conduct) committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship will be determined by factors such as the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved.

15. **“Domestic Violence”** is any abusive behavior (including, but not limited to, physical, emotional, and/or sexual acts or conduct) committed:

- against a person who is a current or former spouse;
- against a person with whom the abuser shares a child in common;
- against a person who is or has cohabitated with the abuser as a spouse;
- against a person similarly situated to a spouse;
- between a parent and child;
- between members of the same household in an intimate relationship; or
- against any other person similarly situated.

16. **“Designee”** refers to a staff or faculty member who has been designated as responsible for implementing The Code of Conduct process or administering the student conduct system, in part or in whole

17. **“Gender Expression”** refers to the external characteristics and behaviors that relate to a perception of gender, including but not limited to dress, mannerisms, speech patterns, social interactions, and body characteristics.

18. **“Gender Identity”** refers to an individual’s internal sense of gender, which may be male or female, man or woman, or not conforming to those binary genders. A person’s

gender identity may be different or the same as the person's sex assigned at birth.

19. **“Good Academic Standing”** is a student who maintains a cumulative Grade Point Average (GPA) over 2.0.  
<https://www.umb.edu/academics/caps/moreinfo/academic/standing>
20. **“Good Disciplinary Standing”** is a student who is not currently on probation. Students who are not in good disciplinary standing may be prevented from participation in University-sponsored events and activities.
21. **“Guest”** means a non-student who is associated with or an invitee of a student and/or Student Organization.
22. **“Harassment”** is conduct by a person or persons against another person or persons based on their legally protected class that adversely has the effect of:
  - a. Unreasonably interfering with a person or person's employment, educational benefits, academic grades or opportunities, or participation in University programs or activities; or
  - b. Unreasonably interfering with a person or person's work or academic performance; or
  - c. Creating an intimidating, hostile, or offensive working or academic environment
23. **“Incident database”** means the electronic database used to track an incident and the response taken.
24. **“Instructor”** means any faculty member, teaching assistant, graduate assistant, or any other person authorized by the University to provide educational services and who have the professional responsibility and authority to maintain control and order in instructional settings, which include but are not limited to classrooms, libraries, group meetings, tutorials, lab sessions, office hours, field work, and off-campus venues. This extends to the virtual classroom of email, chat rooms, telephony, and web activities associated with courses.
25. **“Interim Administrative Action”** means an immediate restriction taken against a student or Student Organization prior to resolution of student's alleged violation, including when information is received.
26. **“Intrusion of Privacy”** is 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.

27. **“Incapacitation”** is the physical and/or mental inability, whether temporary or permanent, of an individual to make rational, reasonable decisions, or judgments regarding one’s well-being or welfare. States of incapacitation include, but are not limited to, unconsciousness, sleep, and blackouts. Incapacitation may result from the voluntary or involuntary consumption of alcohol and/or other drugs. Where alcohol or other substances are involved, incapacitation is determined by how the substance impacts a person’s decision-making capacity, awareness of consequences, and ability to make informed judgments. For purposes of this Policy a person is not incapacitated merely because the person has been drinking or using drugs. The question of incapacitation is determined on a case-by-case basis using both objective and subjective standards. In evaluating whether a person was incapacitated for purposes of evaluating effective consent, the University will consider: (1) whether the person initiating the sexual activity knew that their partner was incapacitated; and if not (2) whether a reasonable person in the same situation would have known that their partner was incapacitated; and (3) whether the person initiating the sexual activity played a role in creating the circumstances of incapacity.
28. **“May”** is used in the permissive sense.
29. **“Member of the University Community”** includes any person who is a student, instructor, or University employee; any person who works (directly or indirectly (e.g., a vendor)), resides, or receives University services on University premises or in connection with its programs or activities; and may include visitors to University premises. A person’s status in a particular situation shall be determined by the Associate Dean of Students.
30. **“The Office of the Dean of Students”** refers to the professionals in Student Affairs, designated by the Vice Chancellor, to be responsible for the overall coordination of the University student conduct system, including the development of policies, procedures, and education and training programs. The members of the Dean of Students Office may serve as Conduct Officers, Administrative Review Officer, and/or an appellate body.
31. **“Official Form of Communication”** Please know that a student’s UMass Boston email address serves as the official form of communication with the University and students.
32. **“Policy”** is defined as any written policy, procedure, standard, regulation, rule or expectation adopted by the University, as the same may be amended, modified or replaced from time to time.
33. **“Preponderance of the Evidence”** The Standard of Proof used to determine the outcome of a complaint is a preponderance of the evidence, which means that it is more likely than not based on all the reasonable evidence and reasonable inferences

from the evidence, that a policy or the Code was violated

34. **“Privacy Employee”** is an employee designated by the University as a “Privacy Employee.” These individuals have privacy responsibilities that supersede their obligations under Title IX. These employees should not disclose a client or patient’s confidence, even to the Title IX Coordinator(s). These individuals include:

- a. licensed treating physicians (and those persons working under the supervision of these individuals) when acting in his or her professional role in the provision of services to a patient who is a University student or employee and any University employee providing administrative, operational, and/or related support for such treating physician in their performance of such services.

The system office and each campus shall designate Privacy Employees. The obligations of the designated Privacy Employees shall be published for the University community.

35. **“Rape”** is any penetration of any orifice, no matter how slight, by any object, including any body part without consent. This may be committed by force, threat, intimidation, coercion, or through exploitation of another’s mental or physical condition (such as incapacitation) of which the responding party knew or reasonably should have known.

36. **“Respondent”** means a student who, or Student Organization which, may be charged for violating The Code or policy.

37. **“Responsible Employee”** is an employee (a) who, because of his/her position, must report known or possible incidents of sexual violence or any other sexual misconduct by students or employees, including the known details of the incident and the name(s) of alleged victim(s) and Respondent(s), to the Title IX Coordinator(s) or other appropriate school designee; or (b) who has the authority to take action to redress sexual harassment/misconduct; or (c) whom a student reasonably believes has this authority or duty. Campus police officers are Responsible Employees; but, see exception for public safety personnel.

38. **“Retaliation”** is the interference through intimidation, including threats, coercion, or unlawful discrimination, with an individual’s right or privilege secured under the law (Title IX of the Education Amendments of 1972, Title VII of the Civil Rights Act of 1964, the Violence Against Women Act of 1994, the Massachusetts Anti-Discrimination laws, or other laws) or interfering with an individual’s right to make a complaint, testify, assist, or participate in any manner in an investigation, proceeding or hearing, or to intervene to prevent a violation of this policy.

39. **“Sanction”** means a requirement a student or Student Organization must abide by or complete when found responsible for violating *The Code*.

40. **“Sexual Assault”** is broadly defined as any sexual activity that is forced, coerced, or



unwanted.

41. **“Sexual Exploitation”** is taking sexual advantage of another person without his or her consent. Sexual exploitation includes, without limitation, causing or attempting to cause the incapacitation of another person in order to gain a sexual advantage over such other person; causing the prostitution of another person; recording, photographing, or transmitting identifiable images of private sexual activity and/or the intimate parts of another person; allowing third parties to observe private sexual acts; and engaging in voyeurism.
42. **“Sexual Harassment”** is unwelcome verbal, non-verbal, and/or physical conduct of a sexual nature.
  - a. submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment or education; and/or
  - b. submission to, or rejection of, such conduct by an individual is used as a basis for academic or employment decisions affecting that individual; and/or
  - c. such conduct has the purpose or effect of substantially interfering with an individual’s academic or professional performance or creating a sexually intimidating, hostile, or offensive employment, educational, or living environment.
43. **“Sexual Violence”** is any physical sexual act or activity engaged in without the consent of the other individual, including when the other individual is unable to consent to the act or activity. (See also definition for *Consent*.)
44. **“Shall”** and **“Will”** are used in the imperative sense.
45. **“Stalking”** is any course of conduct (more than one act) directed at a specific person (directly, indirectly, through a third party, or other means) that places that person in reasonable fear for his or her safety or the safety of others.
46. **“Student”** means any person who has been admitted to, registered or enrolled in, or attends, attended, or attending the University, any University course, or University conducted program.
47. **“Student Organization”** means an association or group of persons, including, but not limited to, any Student Organization, team, or club, that has complied with the formal requirements for University recognition or are recognized by the University.
48. **“Student Organization Representative”** means the president, or designee, chosen by the Student Organization officers to participate in the Student Conduct Process on behalf of the Student Organization.
49. **“Undesignated Employee”** is an employee who is not designated as a Responsible Employee, a Confidential Employee, or a Privacy Employee. Undesignated

employees are encouraged to practice bystander awareness and to report any incidents of abuse or sexual misconduct to the Title IX coordinator(s).

50. “**University**” means the University of Massachusetts Boston.
51. “**University official**” includes any person authorized by the University to perform administrative, instructional, or professional duties.
52. “**University premises**” includes all land, buildings, facilities, and other property in the possession of or owned, used, or controlled by the University, either solely or in conjunction with another entity or person.
53. “**Witness**” means any person with knowledge pertaining to an alleged violation of *The Code* by a student or Student Organization.

### **Part III: Proscribed Conduct**

The Code applies to students and Student Organizations.

#### **A. Jurisdiction of the University**

1. Each student shall be responsible for his/her conduct from the time of admission and/or registration through the actual awarding of a degree, even though conduct may occur before classes begin or after classes end, as well as during the academic year and during periods between terms of actual enrollment (and even if his/her conduct is not discovered until after a degree is awarded). The Code shall apply to a student’s conduct even if the student withdraws from the University while a student conduct matter is pending.
2. Generally, University jurisdiction shall be limited to conduct that occurs on or about University premises or in connection with University-sponsored, University-supervised or University-affiliated events, programs, and activities (including students involved with off-campus internships, study abroad programs, the virtual classroom of email, chat rooms, conferences, telephony, and web activities associated with courses). This jurisdiction also extends to unrecognized Student Organizations. However, the University reserves the right to apply The Code to students whose misconduct has a direct and distinct adverse impact on the University community, its members, and/or the pursuit of its objectives regardless of where such conduct may incur. Should the Dean of Student’s office reasonably determine that a particular alleged act of off-campus misconduct falls within the jurisdiction of the University, the case will be referred to the University student conduct system. The Dean of Students will provide a report to the Faculty Counsel each Academic Year regarding the frequency of these situations

3. University student conduct proceedings may be instituted against any student charged with conduct that potentially violates The Code. Student's alleged conduct may also result in criminal prosecution or civil liability. In cases where there are criminal proceedings, The Code may be carried out prior to or simultaneously with civil or criminal proceedings at the discretion of the Office of the Dean of Students. The University cooperates with law enforcement, or other agencies, in the enforcement of laws on campus and in regard to its students. This includes providing information requested by subpoena or as otherwise permitted by law.

Determinations made or sanctions imposed under The Code shall not be subject to change because criminal charges arising out of the same facts giving rise to violation of University rules were dismissed, reduced, or resolved in favor of or against the criminal law defendant.

4. Sexual violence, including but not limited to, sexual assault and sexual exploitation, dating violence, domestic violence, stalking, sexual harassment, are prohibited and adjudicated under The Code of Conduct.
5. Discrimination and discriminatory harassment are prohibited by the University of Massachusetts Non-Discrimination Policy. (<https://www.umb.edu/odi>)
6. Generally, the influence of drugs and/or alcohol on a student's judgment or behavior will not be accepted as a mitigating factor with respect to the resolution of an act of misconduct.
7. Students are responsible for the consequences of their actions even when the conduct may have been influenced by their physical or emotional state (irrespective of any medical or clinical diagnoses).
8. Students are responsible for the contents of their residence hall rooms, cars, lockers, club spaces, or person if they are aware of their contents, regardless of claims of personal ownership. Students may also be held responsible for shared common areas. Students need not be present or notified when an authorized inspection (including a warrant, or the Residence Life Agreement) is conducted.
9. Students and Student Organizations are responsible for the conduct of their guests and should be with guests at all times when on campus or at University-sponsored events.
10. If an incident report involves more than one charged student, or if there is more than one incident involving the same student, the Office of the Dean of Students, or designee, in his/her discretion, may determine whether an Administrative Conference and/or Investigation concerning each incident may be conducted either separately or jointly.
11. Student Organizations.

- a. Student Organizations may be held accountable under The Code for the Student Organization's misconduct and/or for the misconduct of any one or more of its leaders, members, guests, or other representatives, when on campus, or at a University-sponsored event. This includes hosting a non-student who commits a violation.
- b. The Student Organization must designate one Student Organization Representative by written notice to the Office of the Dean of Students, or designee, within three (3) days of being sent notice of alleged violations of The Code. The Student Organization Representative will represent the Student Organization during the Student Conduct process.
- c. Review of allegations of misconduct of individual student members will be determined under The Code prior to determination of Student Organization alleged violations.
- d. Student Organizations are prohibited from conducting their own disciplinary proceedings prior to resolution of alleged violations of The Code.
- e. Nothing in The Code shall preclude holding students who are members of a Student Organization responsible for their individual violations of The Code committed in the context of or in association with the Student Organization's alleged violation of The Code. Both the Student Organization and individual students may be found responsible for violations of The Code in connection with the same behavior.
- f. The Student Organization Representative is required to notify the Student Organization's advisor of any alleged violations of The Code and any sanctions imposed.

## **B. Conduct Rules and Regulations**

Students and Student Organizations must uphold The Code and obey University policies, rules, and procedures as well as federal, state, and local laws. The Office of the Dean of Students, or designee, shall make the final determination on what constitutes a potential violation of The Code and shall establish the specific behavioral allegations(s) as appropriate.

### **Good Samaritan Procedures**

The University of Massachusetts Boston considers the safety and personal well-being of members of the University community a priority. The University recognizes that there may be alcohol or drug-related medical emergencies or other safety emergencies in which the potential for disciplinary action could act as a deterrent to students who want to seek assistance for themselves or others. To promote reporting of such instances, the University

has created A Good Samaritan Procedure. For more information, please see *Appendix A*.

### **Amnesty for Students Involved in allegations of Sexual Harassment, Sexual Violence, Dating Violence, Domestic Violence, and Stalking**

The University has a special concern for incidents which involve sexual violence, sexual harassment, gender-based harassment, domestic violence, dating violence, stalking or retaliation. Such incidents damage not only individuals, but also the free and open academic environment of the University.

Additionally, there is an awareness that students might not report such incidences out of concern that they, or witnesses, might be charged with violations of the Universities' policies. While the University does not condone such behavior, it places a priority on the need to address sexual violence and harassment. Accordingly, the University may elect not to pursue discipline violations against a student who, in good faith, reports, witnesses or possesses personal knowledge of sexual violence, harassment, gender-based harassment, domestic violence, dating violence, stalking, or retaliation.

### **Prohibited Conduct**

The following list of behaviors is intended to represent the types of acts that constitute violations of The Code. Although the list is extensive, it should not be regarded as all-inclusive. All students are responsible for knowing and observing all Policies.

1. Acts of dishonesty including, but not limited to: furnishing false information; forgery, alteration, or misuse of any document, record, or instrument of identification; or misrepresenting oneself as another. This may also include Academic Integrity Violations for more information on the Academic Integrity Policy, please see *Appendix B*.
2. Disruptive behavior which is defined as participating in or inciting others to participate in the disruption or obstruction of any University activity, including, but not limited to: teaching, research, events, administration, student conduct proceedings, the living/learning environment, or other University activities, on or off campus. See Instructional Setting Conduct Policy here [https://www.umb.edu/faculty\\_staff](https://www.umb.edu/faculty_staff)
3. Harming behavior, which includes, but is not limited to: the threat of or actual physical assault or abuse, and also includes harassment. For the purposes of The Student Code, bullying is considered a form of harassment.

Harassment is conduct by another person or persons against another person or persons based upon their legally protected class that adversely has the effect of:

- a. Unreasonably interfering with a person or person's employment, educational

- benefits, academic grades or opportunities, or participation in the University programs or activities; or
- b. Unreasonably interfering with a person or person's work or academic performance; or
  - c. Creating an intimidating, hostile, or offensive working or academic environment.

Examples of harassment include, but are not limited to, the repeated use of written, oral or electronic communication, or a physical act or gesture by one or more individuals, repeatedly directed at another individual that: (i) causes physical or emotional harm or damage to property, (ii) places the target of such behavior in reasonable fear of harm to self, or of damage to property, (iii) creates a hostile environment or otherwise infringes on the rights of such individual or (iv) substantially disrupts the education process. Harassment may also include, but not be limited to, a written, oral or electronic communication or physical act or gesture based on any actual or perceived differentiating characteristic, such as race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity or expression, socioeconomic status, academic status, physical appearance, or mental, physical, or by association with an individual or group who has or is perceived to have one or more of such characteristics.

In determining whether an act constitutes harassment, The Office of the Dean of Students will consider the full context of any given incident, giving due consideration to the protection of the members of the University community, and the individual rights, freedom of speech, academic freedom, and advocacy required by law. Please note that not every act that might be offensive to an individual or a group necessarily will be considered a violation of *The Code*.

4. Discriminatory behavior. For further information regarding this policy, please see the University's Nondiscrimination and Harassment Policy, available at (<https://www.umb.edu/odi>)
5. Retaliation is the interference through intimidation, including threats, coercion, or unlawful discrimination, with an individual's right or privilege secured under the law (Title IX of the Education Amendments of 1972, Title VII of the Civil Rights Act of 1964, the Violence Against Women Act of 1994, the Massachusetts Anti-Discrimination laws, or other laws) or interfering with an individual's right to make a complaint, testify, assist, or participate in any manner in an investigation, proceeding or hearing, or to intervene to prevent a violation of this policy.
6. Sexual Violence is any physical sexual act or activity engaged in without the consent of the other individual, including when the other individual is unable to consent to the act or activity (see also, consent). The following are forms of Sexual Violence and violations of The Code of Conduct:
  - a. Rape is any penetration of any bodily orifice, no matter how slight, by any object, including any body part without consent. This may be committed by

force, threat, intimidation, coercion, or through exploitation of another's mental or physical condition (such as incapacitation) of which the responding party knew or reasonably should have known

- b. Sexual Assault is broadly defined as any sexual activity that is forced, coerced, or unwanted.
- c. Sexual Exploitation is taking sexual advantage of another person without their consent. Sexual exploitation includes, without limitation, causing or attempting to cause the incapacitation of another person in order to gain a sexual advantage over such other person; causing the prostitution of another person; recording photographing or transmitting identifiable images of private sexual activity and/or the intimate parts of another person; allowing third parties to observe private sexual acts; and engaging in voyeurism.
- d. Incest is sexual intercourse between persons who are related to each other and whose marriage would be prohibited by law. Attempts to commit incest are also prohibited.
- e. Statutory Rape is sexual intercourse with a person who is under the statutory age of consent, which is 16 in Massachusetts. Attempts to commit statutory rape are also prohibited
- f. Aiding in the Commission of Act(s) of Sexual Violence is prohibited.  
Examples, include but are not limited to:
  - a) Videotaping a friend having sex with a person who has passed out at a party;
  - b) Helping a friend to drug the friend's drink; and
  - c) Encouraging students to engage in sexual activity when one knows those students to be incapacitated by drugs or alcohol

Definition of Terms:

- a. Coercion is the use of an unreasonable amount of pressure to engage in sexual activity. Coercion does not begin when the initiator makes an initial sexual advance. Coercion begins when the initiator continues to pressure another, through the use of psychological/emotional pressure, alcohol, drugs, threat, intimidation, or force, to engage in sexual behavior, when a reasonable person would realize that the other does not want to engage in sexual activity.
- b. Consent is permission to engage in communication and/or a specific, mutually-agreed upon sexual activity that is given freely, actively, and knowingly, using mutually understandable and unambiguous words or actions, or—in plain language—to agree to do the same thing, at the same time, in the same way, with each other.
  - Consent cannot be inferred by silence, passivity, or not resisting;
  - Consent cannot be implied by a current or previous dating or sexual relationship;
  - Consent to one form of sexual activity does not imply consent to other forms of sexual activity;
  - Consent is not indefinite; it is revocable and may be withdrawn at any time, using words or actions such that a reasonable person would understand a lack of continued consent;
  - Consent cannot be given by person who is

- Asleep;
- Incapacitated by drugs or alcohol;
- Unconscious;
- Mentally or physically incapacitated; or
- Under duress, intimidation, threat, coercion, or force.
- Consent cannot be given by a person under the age of 16.

It is the responsibility of the person seeking to initiate the sexual activity or conduct to affirmatively obtain consent, not the intended recipient of such conduct to deny such consent.

- c. Incapacitation is the physical and/or mental inability, whether temporary or permanent, of an individual to make rational, reasonable decisions, or judgments regarding one's well-being or welfare. States of incapacitation include, but are not limited to, unconsciousness, sleep, and blackouts. Incapacitation may result from the voluntary or involuntary consumption of alcohol and/or other drugs. Where alcohol or other substances are involved, incapacitation is determined by how the substance impacts a person's decision-making capacity, awareness of consequences, and ability to make informed judgments. For purposes of this Policy a person is not incapacitated merely because the person has been drinking or using drugs. The question of incapacitation is determined on a case-by-case basis using both objective and subjective standards. In evaluating whether a person was incapacitated for purposes of evaluating effective consent, the University will consider: (1) whether the person initiating the sexual activity knew that their partner was incapacitated; and if not (2) whether a reasonable person in the same situation would have known that their partner was incapacitated; and (3) whether the person initiating the sexual activity played a role in creating the circumstances of incapacity.
7. Sexual Harassment is unwelcome conduct of a sexual nature when (a) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, education, or participate in University programs or activities; or (b) submission to or rejection of such conduct by a person or persons is used as a basis for employment or educational decisions affecting such person or persons, or participation in University programs or activities; or (c) such conduct unreasonably interferes with a person or person's work or academic performance; interferes with or limits a person or person's ability to participate in or benefit from a work or academic program or activity; or creates an intimidating, hostile, or offensive working or academic environment.
8. Dating Violence is abusive behavior (including, but not limited to, physical, emotional, and/or sexual acts or conduct) committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship will be determined by factors such as the length of the relationship, the type of the relationship, and the frequency of interaction



between the persons involved.

9. Domestic Violence is any abusive behavior (including, but not limited to, physical, emotional, and/or sexual acts or conduct) committed:
  - a) Against a person who is a current or former spouse;
  - b) Against a person with whom the abuser shares a child in common;
  - c) Against a person who is or has cohabitated with the abuser as a spouse;
  - d) Against a person similarly situated to a spouse;
  - e) Between a parent and a child;
  - f) Between members of the same household in an intimate relationship; or
  - g) Against any other person similarly situated
  
10. Stalking is any course of conduct (more than one act) directed at a specific person (directly, indirectly, through a third party or other means) that places that person in reasonable fear for their safety or the safety of others.

**For further information regarding Retaliatory Harassment, Sexual Violence, Sexual Harassment, Dating Violence, Domestic Violence, and Stalking, including examples, reporting options, confidential resources, confidentiality request, interim measures, and additional rights, please see the Student Procedures Regarding Sexual Violence and Harassment ([umb.edu/sexualrespect](http://umb.edu/sexualrespect))**

11. Endangering behavior which includes, but is not limited to, conduct that poses a substantial threat of harm or endangers the health or safety of any person including one's self, or is severely disputative to others.
  
12. Hazing is any conduct or method of initiation, admission into, or as a condition of membership into any group, organization or Student Organization as defined under this Code, or maintaining membership in a group, organization, or Student Organization, which willfully or recklessly endangers the physical or mental health or safety of any student or other person. Consent to hazing will not be a defense under this Code. Examples of such behavior include but are not limited to sexual or gender humiliation, any other brutal treatment or forced physical activity which is likely to adversely affect the physical health of any such student or other person, or which subjects such student or other person to extreme mental stress, including extended deprivation of sleep or rest or extended isolation or forced violation of the law or University policy.
  
13. Failure to abide by the Alcohol Policy. Notwithstanding the Alcohol Policies, specific violations include:
  - a. Being a student, under the age of 21, not engaged in an employment or other permissive activity, in the presence of an alcohol container on campus, excluding University-sponsored events.
  
  - b. Possession, or use, of alcohol by a student under the age of 21.

- c. Serving, distributing, or obtaining alcohol for, or allowing consumption by, any individual who is under 21 years of age.
  - d. Possession, use, sale, or distribution of a false identification card, or other false age or identity verification form.
  - e. Alcohol is not permitted in the Residence Halls, or on campus without prior written approval.
  - f. Commercial delivery of alcoholic beverages to the campus is prohibited.
  - g. Any alcohol stronger than 80 proof, outside of a research facility, is not permitted on campus.
  - h. Drinking games are prohibited. Paraphernalia used to administer drinking games or assist the user in ingesting alcohol at a fast rate are a violation of *The Code*. This includes, but is not limited to, funnels and beer pong. Such paraphernalia may not be maintained on University property and will be confiscated if discovered.
  - i. Common source containers containing alcohol are prohibited. This includes, but is not limited to kegs, beer balls, and/or punch bowls being used to serve alcohol.
  - j. Public intoxication is prohibited.
  - k. Public consumption of alcoholic beverages or possession of an open container of alcohol in an area not authorized by University Officials, is prohibited in public.
  - l. Operation of a motor vehicle which contains alcohol by a student under the age of 21, regardless of the age of any passenger, is prohibited.
  - m. Use of alcoholic beverages to render another person physically or emotionally incapacitated is prohibited.
  - n. Operation of a vehicle under the influence of alcohol on campus or off campus is prohibited.
14. Failure to abide by the Drug Free Policy. Notwithstanding the Drug Free Policies, specific violations include:
- a. The possession, use, cultivation, manufacture, or distribution, of illegal drugs, narcotics, or controlled substances, or attempts to commit the same, is prohibited. This includes the use or possession of legally prescribed drugs which fall outside the parameters of the medical prescription.

- b. Being under the influence of illegal drugs, narcotics, or controlled substances is prohibited.
- c. Being a student knowingly in the presence of illegal drugs, narcotics, or controlled substances is prohibited.
- d. The use of drugs to render another person physically or emotionally incapacitated is strictly prohibited.
- e. The possession, use, sale, or distribution of drug paraphernalia is strictly prohibited.
- f. Operating a vehicle while under the influence of drugs on campus or off campus is prohibited (exception: the use of medication prescribed by a doctor in accordance with such prescription).

**While Massachusetts state law permits the use of medical and recreational cannabis, federal law prohibits cannabis<sup>1</sup> use, possession, distribution, and/or cultivation at educational institutions. Therefore, the use, possession, distribution, or cultivation of cannabis for medical or recreational purposes is not allowed in any University of Massachusetts Boston residence hall or on any other premises; 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 cannabis at any 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 cannabis registration card (i.e. medical marijuana card) except that University of Massachusetts Boston may release students from their occupancy license if approved as a reasonable accommodation for a documented disability requiring use or possession of cannabis for medical purposes.**

- 15. Failure to abide by the Tobacco Free Policy  
([https://www.umb.edu/life\\_on\\_campus/tobaccofree](https://www.umb.edu/life_on_campus/tobaccofree))
- 16. Possession, storing, carrying, or use of any weapon, ammunition, or explosive, as defined by Mass. General Laws, ch. 269, Section 10, et. Seq. by any person is prohibited on all University premises except by authorized law enforcement officers and other persons specifically authorized by the University. Examples include, but are not limited to, firearms, BB guns, air soft guns, any knife with a locking blade, any knife having a double-edged blade, any knife having an automatic spring-released device by which the blade is released from the handle, a blade of over one and one-half inches, a nunchaku, etc.

<sup>1</sup> The term “cannabis” includes marijuana and its derivatives.

17. Uncooperative behavior which includes, but is not limited to: failure to comply with the directions of, providing false information, and/or failure to identify oneself to University officials or law enforcement officers acting in the performance of their duties. This includes failing to provide student identification when asked by University Officials.
18. Creating a fire hazard or a situation that endangers others such as arson; the unauthorized or improper possession, use, removal, or disabling of fire safety equipment and warning devices; failure to follow fire safety procedures or instructions; or interference with firefighting equipment or personnel.
19. False reporting of fire, bombs, or other emergency situations.
20. Assisting another person or a Student Organization in the commission, or attempted commission, of a violation of The Code. This includes hosting a non-student who commits a violation.
21. Conduct that is lewd or indecent such as public urination, public defecation, streaking, stripping, or solicitation of a stripper.
22. Violation of published University policies, rules, or regulations.
23. Violation of the Resident Handbook and or License Agreement
24. Theft, which includes, but is not limited to, attempted or actual theft or unauthorized use or possession of property, resources, or services.
25. Forcible entry or unauthorized entry and/or presence in buildings or property, or attempts to commit the same. Reasonable notice of authority, or lack thereof, shall be given.
26. Damage or misuse of property which includes, but is not limited to, attempted or actual damage to or misuse of University property or other personal or public property as well as actions which obstruct, disrupt, or physically interfere with the use of University equipment (including safety and security equipment) or premises.
27. Unauthorized possession, duplication, or misuse of University property or other personal or public property, including but not limited to records, electronic files, telecommunications systems, forms of identification, and keys.
28. Violation of federal, state, or local law or conduct that would violate the legal rights of others.
29. Failure to abide by the Gambling and Bookmaking Policy.  
([https://www.umb.edu/editor\\_uploads/images/campus\\_center/University\\_Space\\_Use\\_Policy\\_Updated\\_9.7.17.pdf](https://www.umb.edu/editor_uploads/images/campus_center/University_Space_Use_Policy_Updated_9.7.17.pdf))

30. Failure to abide by the Solicitation Policy.  
([https://www.umb.edu/editor\\_uploads/images/campus\\_center/University\\_Space\\_Use\\_\\_Policy\\_Updated\\_9.7.17.pdf](https://www.umb.edu/editor_uploads/images/campus_center/University_Space_Use__Policy_Updated_9.7.17.pdf))
31. Failure to abide by the Responsible Use of Information Technology Policy.  
([https://www.umb.edu/it/policies/acceptable\\_use](https://www.umb.edu/it/policies/acceptable_use))
32. Failure to maintain a hygienic living and learning environment which has a significant impact on the community.
33. Unauthorized use of the University name, logo, mascot, or other symbol.
34. Abuse of the University Student Conduct system, including, but not limited to:
  - a. Disruption or interference with the orderly conduct of a Student Conduct proceeding.
  - b. Falsification, distortion, or misrepresentation of information to a conduct officer or Administrative Review Committee.
  - c. Influencing or attempting to influence another person to commit an abuse of the Student Conduct system.
  - d. Attempting to discourage an individual's proper participation in, or use of, the Student Conduct system.
  - e. Attempting to intimidate or retaliate against a member of a review body, a Complainant, Respondent, or witness, prior to, during, and/or after a Student Conduct proceeding.
  - f. Institution of a Student Conduct proceeding in bad faith.
  - g. Failure to comply with the sanction(s) imposed under *The Code*.
35. Intrusion of Privacy, meaning the attempted use or actual use of electronic devices that invade a person's privacy. This includes but is not limited to: 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.

Additionally, Massachusetts Law, prohibits private citizens from secretly recording others, or possessing a device with the intent to secretly record, or disclosing the contents of a secret recording. Please be aware that academic settings, including, but not limited to, the classroom, labs, office hours, and instructional space, are deemed a place in which there is an expectation of privacy, unless previously agreed upon.

36. Continued participation in any Student Organization activities, including but not limited to, meetings or acceptance of new members, during any period that a Student Organization is subject to a Loss of Recognition, is not recognized by the University or other conduct in violation of a sanction imposed on a Student Organization.

**Part IV: Student Conduct Procedures** The following procedures are the procedures followed to adjudicate all violations of The Code.

**Incidences Involving allegations of Sexual Harassment, Sexual Violence, Dating Violence, Domestic Violence, and Stalking:** In addition to the complaint procedures outlined below, the Dean of Students or designee, will provide both the Complainant and Respondent information provided in the University of Massachusetts Boston Procedures Regarding Sexual Violence and Sexual Harassment ([umb.edu/sexualrespect](http://umb.edu/sexualrespect))

Conduct Officers may involve or seek input from other University Officials in any or all parts of the student conduct procedures as they deem appropriate, such as University Officials from the Office of Student Involvement & Leadership or the Department of Athletics and Recreation with respect to Student Organization Respondents.

#### **A. Allegations**

1. Any person may file a report regarding any student or Student Organization alleging misconduct. To initiate the Student Conduct Process, reports shall be prepared in writing and directed to the Office of the Dean of Students or to a designee. A report should be submitted as soon as possible after the alleged misconduct takes place.
2. The Office of the Dean of Students, or designee, shall determine if a complaint alleges or addresses a potential violation of The Code and will notify the Respondent within five (5) business days after receiving information regarding such allegations. The decision to continue a complaint through the Student Conduct Process is the decision of the Office of the Dean of Students, or designee.
3. Generally, the Office of the Dean of Students, or designee, will assign a Conduct Officer(s) to the case who will investigate, schedule a conference with the Respondent(s) and other individuals as deemed necessary and appropriate.
4. The Office of the Dean of Students, or designee, will determine what testimony, witnesses, or other information is relevant and may exclude information or witnesses

that are deemed immaterial and/or irrelevant.

5. The Office of the Dean of Students, or designee, may consult with the Office of Student Involvement and Leadership, the Department of Athletics and other relevant University Officials regarding allegations regarding Student Organizations or that imply Student Organization involvement.

#### **B. Informal Resolution/Educational Conference**

1. The Office of the Dean of Students, or designee, reserves the right to schedule an informal resolution/educational conference to discuss the behavior of students and its impact on the mission of the University. Conferences may result in an action plan agreed on by all parties to address the behavior. If the action plan is not honored, the university reserves the right to initiate a formal review under The Code.
2. Examples of incidents that may be adjudicated by an Educational Conference include, but are not limited to: minor disruptions and/or educational or behavioral concerns.
3. Educational conferences are typically scheduled within ten (10) business days upon receipt of a report of a potential violation of The Code.

#### **C. Adjudication by Letter**

1. The Office of the Dean of Students, or designee, shall determine the appropriateness of adjudicating an incident by letter. In such cases, a student shall receive an emailed letter from the Conduct Officer outlining the violations, findings of responsibility, and sanctions within five (5) business days from receipt of notification of alleged violation.
2. Student will have the opportunity to appeal said findings and sanctions within three (3) business days. Appeal form can be found here: [umb.edu/maxient](http://umb.edu/maxient)
3. If students choose not to appeal the decision communicated by letter, the findings and sanctions will be considered final.
4. Examples of incidents that may be adjudicated by letter include, but are not limited to: off-campus incidents, violations of the Residence Hall Agreement, and minor alcohol/drug offences.

#### **D. Administrative Conference**

1. The Administrative Conference is a meeting between a Respondent and a Conduct Officer to review a complaint/incident, explain the Student Conduct Process, and possible options for resolving the matter.
2. Typically, students will be notified of an Administrative Conference within five (5)

business days upon receipt of report of alleged violation.

3. After reviewing the incident with the Respondent, the Conduct Officer will determine appropriate allegation(s) and/or violation(s), if any, and whether or not the situation may be resolved by way of an Administrative Conference Agreement or by an Investigation/Administrative Review. Respondents can also request an Investigation/Administrative Review. Requests for an Investigation/Administrative Review will typically be granted.
4. If the Respondent does not schedule or attend a conference by the date specified, or if the Respondent schedules a conference, but does not attend or attends but does not participate, the incident may be referred to an Investigation/Administrative Review.
5. If the Conduct Officer and Respondent are able to resolve the incident regarding the allegation(s) and/or violation(s), but not the sanctions, the matter shall be referred to an Investigation/Administrative Review for Sanctions.
6. A Respondent who agrees to resolve any allegation(s) and/or violation(s), and/or sanctions at an Administrative Conference shall have no right to appeal.

**E. Investigation/Administrative Review for Allegations and/or Violations:**

1. If a situation cannot be resolved in an Administrative Conference, an investigation will be conducted by the Conduct Officer.
2. If the Respondent does not schedule or attend a conference by the date specified, or if the Respondent schedules a conference, but does not attend or attends but does not participate, the Conduct Officer may complete the investigation based on the information obtained. This includes the use of police investigation reports.
3. The Complainant, any alleged victim, and the Respondent shall each have the right to:
  - a. Be notified of all alleged allegation(s) and/or violation(s). This will be performed through the University email system. Notifications of Student Organization Respondents will be done through the University email system to the president of the Student Organization (for notice of allegations) and the Student Organization Representative thereafter. Students and Student Organization leaders and Representatives are responsible for checking their University email and following the instructions contained within the email.
  - b. Review any written complaint(s) submitted in support of the allegation(s) and/or violation(s).
  - c. Be informed about the Student Conduct Process and/or any other process.



- d. Submit a written account or present a personal statement regarding the incident. The decision to not present information is not an admission of responsibility and will not be considered as such. A Student Organization Representative may submit one statement regarding the incident on behalf of the Student Organization.
- e. Present relevant information, including names of witnesses, questions for witnesses (including the individual reporting the misconduct), and other documentation regarding the incident.
- f. Be accompanied by one advisor during any conduct meeting in which the student or Student Organization is participating. A student or Student Organization should select an advisor of their choice whose schedule allows attendance at the scheduled date and time for the meeting(s) because delays will not be allowed due to the scheduling conflicts of an advisor.
- g. Receive upon written request, at the conclusion of the investigation and appropriate review, a copy of the Conduct Officer's report, to the extent permitted by law.
- h. Present a personal and/or community impact statement regarding potential sanctioning to the Administrative Review Officer(s). A Student Organization Representative may submit one statement on behalf of the Student Organization.
- i. Under certain circumstance, appeal the decision
- j. For cases involving Sexual Harassment, Sexual Violence, Dating Violence, Domestic Violence, and Stalking, the complainant and responding student have the additional rights provided below and found in more detail in the University of Massachusetts Boston Procedures Regarding Sexual Violence and Sexual Harassment ([umb.edu/sexualrespect](http://umb.edu/sexualrespect))

The University will notify Complainants alleging sexual violence, sexual harassment, gender-based harassment, domestic violence, dating violence, stalking and/or retaliation in writing that they have the following rights:

- a. to an explanation of the options available;
- b. to referrals to confidential assistance and support services from both on- and off-campus resources, including 24-hour services;
- c. to a change in on-campus residence and/or an adjustment to their academic schedule if such changes are reasonably available;
- d. to request that the University impose no contact/communication orders or other interim measures;
- e. to make a complaint that starts the University's investigation and resolution processes;
- f. to a prompt, thorough and equitable investigation and resolution of a complaint;

- g. to an advisor of one's choice who will assist and be present at any time during the investigation proceedings, but who may not participate in or otherwise provide representation in any way throughout the process;
- h. to reasonable accommodations for a documented disability during the process;
- i. to know, in advance, the names of all persons known to be involved;
- j. not to have irrelevant sexual history discussed;
- k. to be present at meetings and review documents;
- l. to speak and present information on one's own behalf;
- m. to submit questions for the Investigator and/or the Administrative Review Committee to ask witnesses and/or the Respondent;
- n. to know the status of the case at any point during the process;
- o. to be informed of the outcome of the process in a timely manner;
- p. to an appeal from the outcome of the process;
- q. to choose whether or not to initiate a formal investigation of the complaint, unless the University deems it necessary to investigate to protect the safety of the community or in compliance with applicable law; to the confidentiality of the investigation process to the extent possible (see Privacy and Confidentiality at Section V);
- r. to file no complaint with the University, but receive support services from the University;
- s. to file a police report and/or take legal action separate from and/or in addition to the University discipline process;
- t. to seek and enforce a no-contact, restraining or similar court order;
- u. to be assisted by the University in seeking assistance from or filing a complaint with local law enforcement;
- v. to not file a complaint or seek assistance from local law enforcement, but receive support services from the University;
- w. to be free from any behavior that may be construed by the University to be intimidating, harassing or retaliatory; and
- x. to have the matter handled in accordance with University Policy and Procedure.

Respondents to claims of sexual violence, sexual harassment, gender-based harassment, domestic violence, dating violence, stalking and/or retaliation have the following rights:

- a. to an explanation of the allegations against them;
- b. to referrals to confidential assistance and support services from both on- and off-campus resources, including 24-hour services;
- c. to receive a copy of the complaint filed against them;
- d. to be presumed not in violation of University policy until a violation is established through the complaint investigation process;
- e. to the confidentiality of the investigation process to the extent possible (see Privacy and Confidentiality at Section G);
- f. to an advisor of one's choice who will assist and be present at any time during the investigation proceedings, but who may not participate in or otherwise provide representation in any way throughout the process;

- g. to reasonable accommodations for a documented disability during the process;
  - h. to know, in advance, the names of all persons known to be involved;
  - i. not to have irrelevant sexual history discussed;
  - j. to be present at meetings and review documents;
  - k. to speak and present information on one's own behalf;
  - l. to submit questions for the Investigator and/or the Administrative Review Committee to ask witnesses and/or the Complainant;
  - m. to know the status of the case at any point during the investigation and resolution process;
  - n. to be informed of the outcome of the process in a timely manner;
  - o. to an appeal from the outcome of the process;
  - p. to be free from any behavior that may be construed by the University to be intimidating, harassing or retaliatory; and
  - q. to have the matter handled in accordance with University Policy
4. Upon completion of the investigation, the Conduct Officer will attempt to meet with the Respondent to review the findings of the investigation, including a report containing the factual findings based on a preponderance of evidence standard, a determination of responsibility, and relevant communications and meeting notes. If there is a finding of "responsible," the Conduct Officer will also review the recommended sanctions. The student will then have five (5) business days to respond to the findings and recommended sanctions contained in the Findings Report. The student will also be encouraged to submit a Community Impact Statement. The Conduct Officer will also notify Complainant and review findings of the investigation. Complainant will have five (5) business days to respond, including submission of a Community Impact Statement. A Student Organization Representative may submit one statement on behalf of the Student Organization.
  5. Upon the conclusion of five (5) business days, the Conduct Officer will submit to the Office of the Dean of Students, or designee, the findings report as well as the response from Respondent and Complainant.
  6. Within ten (10) business days, an Administrative Review Committee, comprised of one or two Administrative Review Officers will be assigned to review the report and the parties' written responses to its findings, minus the recommendation regarding any disciplinary action and issue a formal decision regarding findings of responsibility. In cases where the sanction may include suspension or expulsion, including cases involving allegations of sexual harassment, sexual violence, dating violence, domestic violence, and stalking, the Administrative Review Committee will hold a hearing at which it may ask questions of either or both parties, and any witnesses. In addition, questions may be presented to the Administrative Review Committee by the complainant and respondent for the Administrative Review Committee to ask witnesses, complainant, or respondent. Whether or not the questions presented by the complainant or respondent are asked by the

Administrative Review Committee shall be at the discretion of the Administrative Review Committee. The Administrative Review Committee may adopt the Conduct Officer's report, consult with the Conduct Officer, request that further investigation be done by the same or another Conduct Officer (including questioning of the parties), or request that the investigation be conducted again by another Conduct Officer. The Administrative Review Committee may not, however, conduct its own investigation.

7. If there is a finding that the Respondent has violated The Code, the Administrative Review Officers will review the Respondent's academic transcript and conduct history, if one exists, the recommendations regarding any disciplinary action, and any submitted personal and/or community impact statements.
8. Once the Administrative Review Committee has completed its review on findings and sanctions, the Conduct Officer shall send the final report to the Office of the Dean of Students, or designee within three (3) business days. The Respondent will be notified in an emailed letter of the findings and imposed sanctions within three (3) business days. The Complainant will be notified in writing of any sanction that has a direct impact on him/her if permitted or required by law within three (3) business days. Upon written request, a copy of this report shall be made available to the Respondent, alleged victim, and Complainant if permitted or required by law. The Respondent, the alleged victim, and the Complainant will be simultaneously notified of the factual finding(s) in writing if permitted or required by law.

#### **F. Administrative Review for Sanctions:**

1. If the Conduct Officer and Respondent are able to resolve the incident regarding the allegation(s) and/or violation(s), but not the sanctions, the Conduct Officer's report and the Investigation/Administrative Review shall focus on the sanctions.
2. The Complainant, any alleged victim, and the Respondent shall each have the right to:
  - a. Be informed about the Student Conduct Process.
  - b. Receive upon written request, at the conclusion of the investigation and appropriate review, a copy of the investigator's report, to the extent permitted by law.
  - c. Present a personal and/or community impact statement regarding potential sanctioning to the review officer(s). A Student Organization Representative may submit one statement on behalf of the Student Organization.
3. Upon completion of the Conduct Officer's report, the Conduct Officer will submit to the Office of the Dean of Students, or designee, a report containing factual findings based on a preponderance of evidence standard, a determination of responsibility (typically, a signed agreement where the Respondent has taken responsibility for the allegation(s)

and/or violation(s)), and a recommendation regarding any disciplinary action that may be appropriate.

4. Within ten (10) business days, one or two Administrative Review Officers will be assigned to review the report and issue a formal decision regarding sanctioning. The Administrative Review Officers will review the Respondent's academic transcript and conduct history, if one exists, and any submitted personal and/or community impact statements. The Respondent will be notified in writing of the findings and imposed sanctions. The Complainant will be notified in writing of any sanction that has a direct impact on him/her as permitted or required by law.
5. Once the Administrative Review Committee has completed its review on findings and sanctions, the Conduct Officer shall send the final report to the Office of the Dean of Students, or designee within three (3) business days. The Respondent will be notified in an emailed letter of the findings and imposed sanctions within three (3) business days. The Complainant will be notified in writing of any sanction that has a direct impact on him/her if permitted or required by law within three (3) business days. Upon written request, a copy of this report shall be made available to the Respondent, alleged victim, and Complainant if permitted or required by law. The Respondent, the alleged victim, and the Complainant will be simultaneously notified of the factual finding(s) in writing if permitted or required by law.

#### **G. Determination of Facts Relative to an Alleged Violation**

1. The standard used in determining whether or not the Respondent violated The Code, is a preponderance of the evidence (whether it is more likely than not that a violation occurred).

#### **H. Sanctions**

1. If the Respondent is found responsible for violating The Code, appropriate sanctions will be imposed. Sanctions are determined by considering the nature of the misconduct, precedent regarding such misconduct, the Respondent's conduct history, Respondent's present demeanor, the community impact statements, and/or mitigating or aggravating factors. With respect to Respondents that are Student Organizations, Student Conduct Officers will obtain recommendations of, and other applicable University departments and offices and may also include a review of, the conduct history of the Student Organization, including individual members of the Student Organization.
2. Sanctions for students found responsible for violations involving sexual harassment, sexual violence, domestic violence, dating violence, or stalking, include, but are not limited to: warning, disciplinary probation, loss of privileges, relocation of residence, restriction from facilities or activities, temporary or permanent residence hall suspension, fines and/or restitution, disciplinary hold, assessment, educational program or project, revocation of admission or degree, withholding of degree, probation,

suspension, expulsion,

3. The University has a special concern for incidents in which persons are mistreated because of race, gender, disability, age, marital status, religion, color, national origin, sexual orientation, gender identity, gender expression, veteran status, genetic information, or other personal characteristic. Such incidents damage not only individuals, but also the free and open academic environment of the University.
4. Some University policies specify sanctions for violations. See individual policies for sanctions required, if any.
5. A campus department, separate from the Office of the Dean of Students, may place a restriction on a student or Student Organization found responsible for violating The Code.
6. In addition to other mitigating and aggravating factors considered in connection with imposing sanctions, additional factors may be considered with respect to Student Organizations including, but not limited to:
  - a. The role of leaders and the seniority of the members of the Student Organization involved in the behavior supporting the violation;
  - b. Whether leaders had knowledge of the misconduct before or while it occurred and failed to take corrective action;
  - c. The number of members of the Student Organization involved in the behavior supporting the violation and the extent to which members acted in concert in connection with such behavior;
  - d. Whether the leaders of the Student Organization self-reported the behavior underlying the violation;
  - e. The extent to which the Student Organization leaders and members cooperated, responded honestly to questions, and accepted responsibility for the behavior underlying the violation;
  - f. The misconduct involves a violation of the University's Hazing Policy, Alcohol Policy, Drug Free Policy, or violation of law.
7. The following sanctions may be imposed, individually or in various combinations, on any student found to have violated The Code. In the interest of creating a clear and transparent policy, the following list establishes the potential sanctions that the University may impose to address first-time violations of specific behavior. Please See *Appendix C*.

Sanctions will be determined based on the nature, severity, and impact of the violations, and they will be imposed in progressive levels. Please note that this is not an exhaustive list of sanctions:

- a. **Expulsion:** Permanent separation of the student from the University. A student who has been expelled is prohibited from participating in any University activity or program. The individual may not be in or on any University premises. Students found in violation of this restriction, including attempts to enter lands or buildings of the University, will be subject to immediate arrest for trespassing under Massachusetts General Law (M.G.L.) M.G.L. c. 266, s. 120. Please be aware that the student's academic record may be updated to reflect an expulsion, including any grade change which might be assigned.
- b. **Suspension:** University Suspension is a separation from the University for a designated period of time. Students who are suspended from the University are restricted from all University premises and activities, including but not limited to, course registration, class attendance, participation in co-curricular activities, and University housing. Students found in violation of this restriction, including attempts to enter lands or buildings of the University, will be subject to immediate arrest for trespassing under M.G.L. c. 266, s. 120. Please be aware that the student's academic record may be updated to reflect a suspension, including any grade change which might be assigned. Students who have been separated from the University for a period of time must apply for re-admission to the University and also meet with the Office of the Dean of Students, or designee, two weeks prior or earlier to the next registration period for which the student is eligible to review any outstanding sanctions and the readmission process.
- c. **Probation:** Probation is a set period of time during which the Respondent is given the opportunity to modify unacceptable behavior, to complete specific assignments, and to demonstrate a positive contribution to the University community in an effort to regain student privileges within the University community. Please be aware there is the possibility of University Suspension or University Expulsion if the student is found responsible for a subsequent violation or Loss of Recognition with respect to a Student Organization found responsible for a subsequent violation. Additionally, as students and organizations which are on probation are not considered to be in good disciplinary standing with the University, this may impact their ability to participate in intercollegiate athletics, represent the University, student leadership positions, study abroad opportunities, extracurricular, and/or residence life activities.
- d. **Warning:** A written notice that the Respondent has violated University policy or The Code and a warning that another violation will likely result in more severe sanctions which could include University Probation, Temporary or Permanent Residence Hall Suspension, University Suspension, or University Expulsion, or Loss of Recognition with respect to a Student Organization.
- e. **Permanent Residence Hall Suspension:** Permanent separation of the student from the residence halls.
- f. **Temporary Residence Hall Suspension:** Temporary separation of the student

from the residence halls for a specific period of time, after which the student may reapply for housing. Reapplication for housing does not guarantee immediate placement. Conditions for returning to the residence halls may be specified.

- g. **Deferred Residence Hall Suspension:** A period of time in which the Respondent will be subject to removal from the residence hall for any additional documentation. A Respondent on Deferred Residence Hall Suspension will not be eligible to apply for housing.
- h. **Housing Probation:** A period of time during which the Respondent may be subject to removal from the residence halls if there is an additional documentation.
- i. **Relocation of Residence:** Required assignment to another residence area.
- j. **Loss of Privileges:** Denial of specified privileges for a designated period of time.
- k. **Restriction:** Denial of access to any campus facility, activity, class, or program. This includes No Contact Orders.
- l. **Fines:** Financial sanction.
- m. **Disciplinary Hold:** A hold may be placed on a student's account. This may impact the student's ability to register for classes, obtain certain academic records, or register for housing.
- n. **Restitution:** Compensation for loss, damage, or injury. This may take the form of appropriate service or monetary or material replacement.
- o. **Community Restitution Project:** Assignment of an appropriate service project that will benefit the University community, responsible student, or others.
- p. **Assessment:** A student may be referred to an appropriate office or local agency for consultation or assessment. These may include Alcohol and Other Drug (AOD) Assessments and Anger Assessments.
- q. **Educational Program/Project:** Participation in a health or safety program (the student may be required to pay a fee), seminar, and other assignments as warranted.
- r. **Revocation of Admission or Degree:** Admission to the University or revocation of a degree awarded from the University may be revoked for fraud, misrepresentation, or another violation of *The Code* in obtaining the degree or for other serious violations committed by a student after admission or prior to graduation.



- s. **Withholding Degree:** The University may withhold awarding a degree otherwise earned until the completion of the disciplinary process set forth in *The Code*, including the completion of all sanctions imposed, if any.
8. The following sanctions may be imposed upon any Student Organizations found to have violated *The Code*. Please note that this is not an exhaustive list of sanctions:
- a. Those sanctions listed above.
  - b. **Loss of Recognition:** Loss of all University privileges for a designated period of time. Loss of recognition for more than two consecutive semesters requires a Student Organization to reapply for University recognition. Conditions for future recognition may be specified. Students may not continue to participate or associate in a Student Organization or accept further members during any Loss of Recognition.
  - c. **Disciplinary Hold.** A hold may be placed on the Student Organization's ability to use all or specified University privileges.

## I. Appeals

1. A decision reached through an Administrative Conference cannot be appealed.
2. In regard to violations of Sexual Harassment, Sexual Violence, Dating Violence, Domestic Violence and Stalking, both the complainant and the respondent have the right to file an appeal.
3. A decision reached through the Administrative Review Committee may be appealed by the Respondent(s) or Complainant(s) or victim(s), when legally appropriate, to an appellate body board within five (5) business days of the decision. Only the Student Organization Representative may submit an appeal on behalf of a Student Organization Respondent.
4. All appeals shall be submitted through the online form found here: [umb.edu/maxient](http://umb.edu/maxient)
5. The appeal form must state the reasons for the appeal and provide information as to the basis of the appeal.
6. Except as required to explain the basis of new information, an appeal shall be limited to a review of the investigation report and review findings. The review shall be for one or more of the following purposes:
  - a. If the student can demonstrate new and significant evidence that would substantially alter the findings of fact, not previously known to the appellant that has been discovered, and is newly available during the appeals process. The new evidence could not have been discovered through the exercise of reasonable diligence, and the absence of which was sufficient to materially affect the outcome.

- b. If the student can demonstrate that significant procedural errors of The Code process occurred that were substantial enough to effectively and detrimentally affect the outcome.
7. If an appeal is upheld by the appellate body, the matter shall either be referred to the original Administrative Review Committee to allow reconsideration of the original determination or the appellate body will determine any change. If an appeal is not upheld, the matter shall be considered final and binding upon all involved.
8. All parties to an appeal will promptly receive simultaneous written notice of the outcome of the appeal.

#### **J. Accommodations for Students with Disabilities**

1. Students with disabilities must be afforded an equal opportunity to participate in, and benefit from, all postsecondary education programs and activities. This includes any course of study, or activity offered. Rules or policies which would limit students with disabilities from participating fully in a program or activity may not be imposed. Academic standards should not be compromised, but accommodations must be provided, on a case-by-case basis, to afford qualified students with disabilities an equal education opportunity. Faculty members should not provide academic accommodations without approval from the Ross Center for Disability Services. Instead, faculty members should refer those students seeking accommodations to the Ross Center. Faculty handbooks containing detailed information on faculty responsibilities and rights are available at the Ross Center. One may contact the Ross Center at 617-287-7430.
2. A student with a disability who desires an accommodation regarding an Educational Conference, Administrative Conference, Administrative Review, or Appeal Meeting must request an accommodation by following the procedure for requesting an accommodation through the Ross Center. The Ross Center 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 Disabilities Resources Office. Please contact the Ross Center to obtain for further information.

#### **Part V: Interim Administrative Action**

1. The Vice Chancellor for Student Affairs, or designee, may impose an interim "University Suspension," an interim "Removal from Housing," an interim "Loss of Recognition," and/or other necessary restrictions on a Respondent prior to or during an Administrative Review of the Respondent's alleged violation. Such action may be taken when, based on the information provided and in the professional judgment of a University official, a threat of harm to persons or property exists, or to protect the safety of any person.

2. Interim administrative action is not a sanction. It is taken in an effort to protect the safety and well-being of the Complainant, Respondent, other members of the University Community, the University, or property. Interim administrative action is preliminary in nature; it is in effect only until an Administrative Review has been completed. However, violations of interim administrative action may result in additional violations and sanctions including University Suspension, University Expulsion, or Loss of Recognition.
3. The University is committed to supporting victims by providing Interim Measures when appropriate. For a list of Interim Measures, please see ([umb.edu/sexualrespect](http://umb.edu/sexualrespect))

## **Part VI: Maintenance and Review of Conduct Files**

1. Student conduct files are deemed educational records and are maintained separately from any other academic or official file at the University by the Dean of Students or designee. Generally, information from the files is not released without the written consent of the student. However, certain information may be provided without a student's prior consent to individuals within the University who have a legitimate legal or educational interest in obtaining it, and to individuals outside the University under certain circumstances. (Please refer to the [Family Educational Rights and Privacy Act section of the Student Handbook for further information](#))
2. In the discretion of the University, sanctions of "Suspension" and "Expulsion" may be noted on the student's official transcript. A suspension may be noted until graduation or seven (7) years following the end of the period of suspension, whichever occurs first. An expulsion may be noted permanently.
3. A student conduct file is maintained chronologically by incident date and then by Respondent. A student may have more than one file. Generally, a Conduct File, including related documents, will be kept seven (7) years from the date of the incident. The student conduct file of an expelled student shall be retained indefinitely. Information contained in the incident database is maintained for seven (7) years from the date of the incident.
4. In situations involving both a respondent and student who believes he/she was victim of a student's misconduct, the records of the process, if any, will be considered to be the educational records of both the charged student and the student who believes himself/herself to be the victim because the educational career and chances of success in the academic community of each may be impacted.
5. Records of student conduct actions are maintained in the Office of the Dean of Students in compliance with the Family Educational Rights and Privacy Act ("FERPA"). See below link. ([http://www.umb.edu/life\\_on\\_campus/policies/regulations/student\\_right\\_to\\_review\\_the\\_University\\_of\\_Massachusetts\\_Boston's\\_records](http://www.umb.edu/life_on_campus/policies/regulations/student_right_to_review_the_University_of_Massachusetts_Boston's_records)) and other privacy laws.

## **Part VII: Interpretation and Revision**

1. Any questions of interpretation regarding The Code shall be referred to the Office of the

Dean of Students, or designee, for determination. The Dean of Students', or designee's, determination is final.

2. The Code shall be reviewed at least every three (3) years under the direction of the Vice Chancellor for Student Affairs. Substantive revisions shall be approved by the processes established by the University.
3. Questions, comments, and suggestions should be forwarded to the Office of the Dean of Students. The Code may be reviewed annually by the Office of the Dean of Students.

## **Appendix A: University Massachusetts Boston Good Samaritan Procedures**

The University of Massachusetts Boston (UMB) is dedicated to maintaining a safe and healthy community for our students. As such, The Code of Conduct reflects these priorities by prohibiting the use of substances in manner that is dangerous and/or unlawful.

The Good Samaritan Procedures serve as a supplement to The Code of Conduct and UMB's Alcohol and Drug Policies, and is designed to encourage good Samaritans and help-seeking behavior for individuals requiring medical assistance. This policy may provide amnesty from consequences through Student Code of Conduct, but does not preclude hospitalization, protective custody, interim suspension, or other actions deemed relevant for student safety. Students are strongly encouraged to call 911 or Public Safety's Emergency Line at 617.287.1212 to request medical assistance when they or others may be:

1. dangerously intoxicated/ under the influence of alcohol/drugs; or,
2. experiencing any medical emergency.

This policy applies to students seeking medical assistance for themselves or for another person, and who act in accordance with the expectations set forth in this policy. It also applies to any student for whom medical assistance was sought. Under this policy:

1. When students contact the Department of Public Safety or another appropriate staff member (e.g. Faculty, Security Desk Attendant (SDA), Community Ambassador, Resident Assistant on Duty, etc.) seeking medical attention, neither the reporting student nor the student for whom medical assistance was sought will be subject to a Student Conduct complaint for possession, consumption or intoxication under the University's alcohol or drug policies.
2. In order to qualify for "medical amnesty" under this procedure, students who seek assistance for another person must remain with that individual (assuming the student is present at the scene) until University Police or other designated first responder (e.g., ambulance, Fire Department) arrives on scene. It is expected that individuals involved in this process cooperate fully with first responders.
3. This procedure does not apply to individuals requiring medical assistance for alcohol- or drug-related issues who do not seek assistance, for whom no assistance was sought, or who have already been brought to the attention of University staff or emergency responders. For example, this procedure would not apply to an intoxicated individual whom the police discover creating a disturbance on campus.
4. When it is the opinion of the Dean of Students or designee that the continued presence of a student constitutes a danger to the student, or to others, the imposition of interim suspension or other temporary restrictions deemed necessary shall not be precluded under this procedure.
5. In order to qualify, the student(s) will be required to:
  - a. attend a meeting scheduled by the Dean of Students or designee;

- b. attend a meeting with a counselor at the University Counseling Center and/or a staff member at Wellness Education if required by the Dean of Students or designee; and,
- c. act in accordance with all student expectations outlined in this procedure.
- d. This procedure applies to UMB alcohol and drug policy violations related to possession, consumption, and intoxication. It does not prevent a complaint being filed against a student for other Student Conduct Code Regulations (e.g., assault, distribution of illegal substances, etc...), nor does it prevent police/criminal action.
- e. Repeated incidents resulting in the application of this procedure would be of great concern to the UMB. In such cases, the UMB reserves the right to take disciplinary action on a case-by-case basis and decline to grant amnesty.

## **Appendix B: Academic Honesty**

It is the expressed policy of the University of Massachusetts Boston that every aspect of academic life—including formal coursework situations as well as all relationships and interactions connected to the educational process—shall be conducted in an absolutely and uncompromisingly honest manner. The university presupposes that any work submitted by a student for academic credit indicates that the work is the student’s own and complies with university policies. In cases where academic dishonesty is discovered after completion of a course or degree program, sanctions may be imposed retroactively up to and including revocation of the degree. Any student who reasonably believes another student has committed an act of academic dishonesty should inform the course instructor of the alleged violation.

### **Section I. Academic Honesty Violations**

The university defines violations to include but not be limited to the following:

1. Submitting an author’s published or unpublished work (e.g., material from a journal, Internet site, newspaper, or encyclopedia) as one’s own in whole, in part, or in paraphrase without fully and properly crediting the author.
2. Submitting materials or work obtained from another student, individual, or agency as one’s own without full and proper attribution.
3. Submitting material produced through unacknowledged or unauthorized collaboration with others as one’s own.
4. Submitting substantially the same work to more than one course without prior approval from all instructors involved: i.e., dual or multiple submission.
5. Using any unauthorized material during an examination, such as notes, tests, calculators, cell phones, PDAs, or other electronic or mechanical communication devices. Abuse of cellular devices with photographic capabilities and use of devices for purposes of photographing test questions or other notes and materials are also prohibited.
6. Obtaining answers to examination questions from another person with or without that person’s knowledge, furnishing answers to examination questions to another student, or using or distributing unauthorized copies of an examination or notes from an examination.
7. Submitting an examination taken by another person as one’s own or taking an examination in another person’s place.
8. Gaining or seeking to gain unauthorized access to or altering or destroying the paper or electronic files of a student, faculty member, or staff member for the purpose of gaining better academic standing and success.

9. Failing to adhere to professional standards or ethics of a discipline and/or violating the rules of an agency in the course of completing fieldwork, internship, practicum, student teaching, or clinical placement.

10. Interfering with an instructor's ability to evaluate accurately a student's competence or performance; misleading any person in connection with one's academic work.

## **Section II. Academic Dishonesty Procedures**

1. Before reporting a suspicion of academic dishonesty, the faculty member may discuss the matter with the student and/or the faculty member's chair (in cases involving undergraduate students) or graduate program director (in cases involving graduate students), or otherwise investigate the circumstances of the alleged violation. If the faculty member determines after such consultation and investigation that academic dishonesty did not in fact occur, no formal charge of academic dishonesty will be made.

2. To initiate formal proceedings, a faculty member who suspects a student of academic dishonesty must inform the student in writing of that fact within ten (10) business days of the discovery of the alleged violation. Such written notice should inform the student of the factual basis for the charge and the specific sanctions the faculty member proposes to impose and any university sanctions he/she may recommend to the Associate Vice Provost of Undergraduate Studies (AVP) or the Dean of Graduate Studies (Dean), as appropriate. The letter should also inform the student that s/he may be subject to university sanctions imposed directly by the AVP/Dean beyond those recommended by the faculty member. The faculty member shall offer to meet with the student and the faculty member's chair (in cases involving undergraduate students) or graduate program director (in cases involving graduate students) to discuss the case. No more than ten (10) business days after meeting (or offering to meet) with the student, the faculty member may impose penalties within his/her purview and so inform the AVP/Dean. If the faculty member, after meeting with the student, determines that the student did not commit academic dishonesty, s/he will so inform the student and AVP/Dean in writing. If no penalty has been imposed within the specified timeframe, the charges shall be considered dropped.

All correspondence concerning an allegation of academic dishonesty should be copied to the faculty member's department chair (for undergraduates) or the faculty member's graduate program director (for graduate students), the faculty member's college dean, the Associate Vice Provost of Undergraduate Studies (for undergraduate students) or the Dean of Graduate Studies (for graduate students), and the Office of the Vice Chancellor for Student Affairs. The chair/graduate program director and/or relevant college dean(s) may, at their option, consult with the faculty member and/or student, review the case, and make separate recommendations to the AVP/Dean regarding university sanctions.

3. Academic dishonesty by graduate students lies primarily within the purview of the Dean of Graduate Studies, who will determine whether to apply university sanctions in a particular case. The Dean's decision will be informed by any recommendations made by the student's graduate program director and/or college dean. Academic dishonesty by undergraduate students lies primarily within the purview of the college deans. For the purposes of these procedures, the



college deans delegate responsibility for determining whether to apply university sanctions in a particular case to the AVP. The AVP's decision will be informed by any recommendation made by the faculty member's chair and will be made in consultation with the college dean(s) involved; it is further subject to review and revision by the faculty member's college dean. Within (10) ten business days of the notification of the faculty member's imposition of sanctions, the AVP/Dean will review the case. In doing so, s/he may choose to interview or question the parties involved or otherwise investigate the case. The purpose of this review is to consider the imposition of university sanctions. At the end of this review, the AVP/Dean may impose additional university sanctions, including but not limited to those listed in Part IV. F. 8 and 9 of the Student Code of Conduct. University sanctions will normally be imposed for violations of an especially serious nature or in cases of repeat offense.

4. The student may submit an appeal in writing to the Provost/Vice Chancellor for Academic Affairs, copying the Office of the Vice Chancellor of Student Affairs, within (10) ten business days of the AVP/Dean's imposition of university sanctions or (10) ten business days of the expiration of the period of time available to the AVP/Dean to impose such sanctions, whichever comes first. The Provost/Vice Chancellor of Academic Affairs will convene an Appeal Panel, consisting of 3 to 4 faculty members and 2 students from the standing membership of the Joint Discipline and Grievance Committee, and instruct the panel to review the case by convening a hearing. At this hearing the panel will, at minimum, interview and question the student and faculty member. The Provost/Vice Chancellor of Academic Affairs will appoint a member of the panel to serve as the Chair.

5. Within (10) ten business days after completion of its hearing and review, the panel will make a report of its findings and recommendations to the Provost/Vice Chancellor for Academic Affairs. Within (5) five business days of receiving this report, the Provost/Vice Chancellor for Academic Affairs will uphold, reverse, or modify the faculty member's and AVP/Dean's decisions. Modifications may include any of the sanctions listed in Part IV. F. 8 and 9 of the Student Code of Conduct. The decision of the Provost/Vice Chancellor for Academic Affairs is the final university disposition of the matter and is not subject to further appeal except in cases of expulsion. Students may appeal an expulsion to the Chancellor within 10 business days of the Provost/Vice Chancellor for Academic Affairs' decision to expel.

### **Section III. Academic Dishonesty Sanctions**

1. Faculty members may impose one or more of the following sanctions:

- A failing grade in the assignment in which the infraction occurred.
- Forced withdrawal: the student is required to withdraw from the course. A grade of W will appear on the transcript and there will be no refunds of tuition, fees, or other charges.
- A failing grade in the course or competency in which the infraction occurred.
- Recommendation of additional sanctions: The faculty member, in cases of an especially serious nature, may recommend to the AVP/Dean the imposition of additional penalties, including those listed in this Code for misconduct.

2. Sanctions to be imposed by the Associate Vice Provost of Undergraduate Studies and/or the Dean of Graduate Studies are university sanctions and are described in detail in Part IV. F. 8 and 9 of the Student Code of Conduct.

### **Appendix C: Sanction Chart**

In the interest of creating a clear and transparent policy, the following list establishes the potential sanctions that the University may impose to address first-time violations of specific behavior. Please note that this list is not exhaustive. Sanctions will be determined based on the nature, severity, and impact of the violations, and they will be imposed in progressive levels.

| <b>Violation</b>  | <b>Potential Sanctions for First Offenses</b>  |
|---|--|
| Open container of alcohol                                       | <ul style="list-style-type: none"> <li>• Written Warning</li> <li>• Parental notification for students under the age of 21</li> </ul>  |
| Underage possession or consumption of alcohol                   | <ul style="list-style-type: none"> <li>• Written Warning</li> <li>• Parental notification for students under the age of 21</li> </ul>  |
| Excessive noise/Neighbor complaint                              | <ul style="list-style-type: none"> <li>• Written Warning</li> </ul>  |
| Drug Paraphernalia  | <ul style="list-style-type: none"> <li>• Written Warning</li> <li>• Educational program and/or Reflection essay</li> </ul>   |
| Violation of smoking policy                                     | <ul style="list-style-type: none"> <li>• Written Warning</li> </ul>  |
| Failure to leave building during fire alarm                     | <ul style="list-style-type: none"> <li>• Written Warning</li> <li>• Educational program and/or Reflection essay</li> </ul>   |
| Failure to comply with a University official/Disorderly conduct | <ul style="list-style-type: none"> <li>• Written Warning</li> <li>• Education program and/or Reflection essay</li> <li>• 16 Academic Weeks Disciplinary Probation</li> </ul> |
| False Identification  | <ul style="list-style-type: none"> <li>• Written Warning</li> <li>• Educational program and/or Reflection essay</li> </ul>   |

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|--|--|
|  | <ul style="list-style-type: none"> <li>• 16 Academic Weeks Disciplinary Probation</li> </ul>   |
| Trespassing/Unauthorized access to campus buildings            | <ul style="list-style-type: none"> <li>• Written Warning</li> <li>• Educational program and/or Reflection essay</li> <li>• 16 Academic Weeks Disciplinary Probation</li> </ul>   |
| Public Intoxication/Alcohol Abuse                              | <ul style="list-style-type: none"> <li>• Written Warning</li> <li>• Educational program and/or Reflection essay</li> <li>• 16 Academic Weeks Disciplinary Probation</li> <li>• Parental notification for students under the age of 21</li> </ul>   |
| Cannabis use/possession (under [1] ounce)                      | <ul style="list-style-type: none"> <li>• Written Warning</li> <li>• Educational program and/or Reflection essay</li> <li>• 16 Academic Weeks Disciplinary Probation</li> <li>• Parental notification for students under the age of 21</li> <li>• \$100 (In accordance with Massachusetts State Law)</li> </ul> |
| Public Urination   | <ul style="list-style-type: none"> <li>• Written Warning</li> <li>• Education Program and/or Reflection essay</li> <li>• 16 Academic Weeks Disciplinary Probation</li> <li>• Financial Restitution (If applicable)</li> </ul>  |
| Furnishing alcohol and/or a location for consumption to minors | <ul style="list-style-type: none"> <li>• 32-Week Disciplinary Probation upon return to the University</li> <li>• Parental notification for students under the age of 21</li> <li>• \$100 (Massachusetts State Law has a \$2000 Maximum fine)</li> </ul>  |
| Theft  | <ul style="list-style-type: none"> <li>• 32 Week Disciplinary Probation upon return to the University</li> </ul>   |

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|--|--|
|  | <ul style="list-style-type: none"> <li>• Conditions may be set to assist in the student's success upon return to the University community after suspension</li> </ul>  |
| Destruction of University or private property/ Vandalism | <ul style="list-style-type: none"> <li>• 32 Week Disciplinary Probation</li> <li>• Financial restitution</li> </ul>  |
| Physical Assault   | <ul style="list-style-type: none"> <li>• Suspension or Expulsion</li> <li>• 32 Week Disciplinary Probation upon return to the University</li> <li>• Conditions may be set to assist in the student's success upon return to the University community after suspension</li> </ul> |
| Hazing   | <ul style="list-style-type: none"> <li>• Suspension or Expulsion</li> <li>• 32 Week Disciplinary Probation upon return to the University</li> <li>• Conditions may be set to assist in the student's success upon return to the University community after suspension</li> </ul> |
| Dangerous weapons possession                             | <ul style="list-style-type: none"> <li>• Suspension or Expulsion</li> <li>• 32 Week Disciplinary Probation upon to the University</li> <li>• Conditions may be set to assist in the student's success upon return to the University community after suspension</li> </ul>        |
| Hate Crime   | <ul style="list-style-type: none"> <li>• Suspension Expulsion</li> <li>• 32 Week Probation upon return to the University</li> </ul>  |

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|--|---|
|  | <ul style="list-style-type: none"> <li>• Conditions may be set to assist in the student's success upon return to the University community after suspension</li> </ul>   |
| Endangering Behavior   | <ul style="list-style-type: none"> <li>• 32 Week Disciplinary Probation</li> </ul>  |
| Altering/falsifying University Documents                                 | <ul style="list-style-type: none"> <li>• Suspension or Expulsion</li> <li>• 32 Week Disciplinary Probation upon return to the University</li> <li>• Conditions may be set to assist in the student's success upon return to the University community after suspension</li> </ul>  |
| Cannabis (over [1] ounce)  | <ul style="list-style-type: none"> <li>• Suspension or Expulsion</li> <li>• Parental notification for students under the age of 21</li> <li>• Conditions may be set to assist in the student's success upon return to the University community after suspension</li> <li>• 32 Week Disciplinary Probation upon return to the community</li> </ul> |
| Illegal drug use and/or possession (other than cannabis)                 | <ul style="list-style-type: none"> <li>• Suspension or Expulsion</li> <li>• Parental notification for students under 21</li> <li>• Conditions may be set to assist in the student's success upon return to the community after suspension</li> <li>• 32 Week Disciplinary Probation upon return to the University</li> </ul>                      |
| Operating a motor vehicle under the influence of alcohol (OUI, DUI, DWI) | <ul style="list-style-type: none"> <li>• Suspension or Expulsion</li> <li>• Loss of driving/parking privileges on University premises for not less than one (1) academic year</li> </ul>  |

|   |   |
|---|---|
|   | <ul style="list-style-type: none"> <li>• 32 Week Disciplinary Probation upon return to the University</li> </ul>  |
| <p>Manufacture, distribution, sale, offer for sale of illegal/controlled substances</p>                             | <ul style="list-style-type: none"> <li>• Suspension or Expulsion</li> <li>• Parental notification for students under the age of 21</li> <li>• 32 Week Disciplinary Probation upon return to the University</li> </ul> |
| <p>Sexual Offense, including Sexual Harassment, Sexual Violence, Dating Violence, Domestic Violence or Stalking</p> | <ul style="list-style-type: none"> <li>• Probation, Suspension or Expulsion</li> <li>• 32 Week Disciplinary Probation upon return to the University</li> </ul>  |