

# **Code of Student Conduct**

## **I. Purpose:**

The Code of Student Conduct provides a framework of standard acceptable behavior for students. It is set forth to give students general notice of prohibited conduct; it should not be regarded as an exhaustive definition of misconduct or construed as a contract between the student and the University. Students are responsible for understanding and complying with this Code. Copies of the Code of Student Conduct are available in the Office of the Vice Chancellors for Academic and Student Affairs, in the undergraduate catalog and graduate bulletin, in the UMass Boston Student Handbook, and on the University's website.

## **II. 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 misconduct to the Vice Chancellor for Student Affairs and authority for student academic dishonesty to the Vice Chancellor for Academic Affairs/Provost. In accordance with Family Education Rights and Privacy Act (FERPA) regulations, the Vice Chancellor of Student Affairs is responsible for maintaining all student judicial records.

## **III. Governing Principles:**

A. The University reserves the right to take appropriate disciplinary action when student conduct constitutes misconduct or academic dishonesty, as defined in this Code. The University may also take disciplinary action for student conduct off-campus, when such conduct constitutes misconduct, as defined in this Code, is serious in nature, and adversely impacts the University and/or the campus community. Such action may include pursuing disciplinary action for any violation of local, state, or federal law, on- or off-campus, that affects the University's educational interests.

B. In any instance where the continued presence of an individual on campus may pose an imminent threat to his/her own well being or to that of others, or to the rights or property of the University community, the Vice Chancellor of Student Affairs may impose an interim suspension. This action is designed to prohibit the presence of the student on campus until the case can be resolved in accordance with prescribed campus procedures. This interim suspension is not entered on a student's record and does not affect the student's status except as described below.

C. This Code is independent of any proceeding in civil or criminal law in which a student may also be held accountable. Disciplinary action at the University may proceed despite the pendency of any other civil or criminal proceedings and shall not be subject to dismissal solely because of the result of any such proceeding.

D. Formal rules of evidence shall not be observed; any information having reasonably probative value as to a relevant fact may be admitted.

E. Students found responsible for unacceptable conduct will be subject to the complete range of sanctions and penalties provided in the Code of Student Conduct.

F. Failure by any student to cooperate with these proceedings, or any attempt to impede an investigation is, in itself, a violation of the Code of Student Conduct and may lead to sanctions.

G. Failure by any student to comply with imposed sanction(s) may result in more severe disciplinary action, up to and including suspension or expulsion from the University.

H. Any time requirements set forth in this Code may be extended by agreement of the parties, or as may be required.

I. The University reserves the right to amend any provision of this Code with appropriate notice to the campus community.

#### **IV. Definitions:**

A. “*University*” refers to the University of Massachusetts Boston and all of its undergraduate, post-baccalaureate, and graduate colleges, schools, divisions, and programs.

B. “*Student*” is defined as any person enrolled in or accepted for any course or academic program regardless of credits or competencies carried, at the University.

C. “*Faculty*” refers to any person hired by the University to conduct classroom activities.

D. “*Advisor*” refers to any member of the University community who assists and accompanies the student to meetings and/or hearings. The advisor may not be an attorney, unless criminal charges are pending.

E. “*Code*” refers to this Code of Student Conduct.

F. “*Policy*” is defined as written regulations and procedures of the University as found in, but not limited to, the Code of Student Conduct, Graduate/Undergraduate Bulletin/Catalog, Student Handbook, and Trustee Documents.

G. “*Student Affairs Designee*” is a member of the Division of Student Affairs or appointed representative.

H. “*Appeal Panel*” is the hearing panel consisting of selected members of the standing Joint Discipline and Grievance Committee.

I. “*Joint Discipline and Grievance Committee*” is a standing committee of the Faculty Council and the Student Governments – Undergraduate Student Senate and Graduate Student Assembly.

J. “*Appellate body*” refers to any person designated to review an appeal, including but not limited to, the Vice Chancellors, Deans, and the Appeal Panel.

K. “*Director/Dean*” refers to the Director of Undergraduate Education and the Dean of Graduate Studies.

**V. Student Protections:**

Students accused of violating the Code are entitled to the following procedural protections:

A. To be informed, in writing, of the alleged violation, and its outcome.

B. To be informed of the substance of the information or evidence against them.

C. To be given an opportunity to respond to the charges.

D. To be accompanied at any proceeding by an Advisor. If the student wishes to have an Advisor but is unable to obtain one, the Student Affairs Designee shall assist the student in finding one. Advisors may not directly participate in the hearing process.

E. To be accompanied by legal counsel only if criminal charges are pending against the student. In such case, legal counsel will take on the role of Advisor as defined above. A student who wishes to be accompanied by legal counsel is required to give (3) three business days’ advance notice to the Vice Chancellor for Student Affairs.

F. To present relevant information and witnesses and to question other witnesses who participate in the hearings.

G. To be assured confidentiality of all information exchanged, both verbal and written, in accordance with the Family Education Rights and Privacy Act (FERPA).

H. To appeal as outlined in this Code in §VI B4 and §VII B3.

The University Code is divided into two subsections: Academic Honesty (§VI below) and Student Conduct (§VII below).

## **VI. ACADEMIC HONESTY**

It is the expressed policy of the University that every aspect of academic life--not only formal coursework situations, but all relationships and interactions connected to the educational process--shall be conducted in an absolutely and uncompromisingly honest manner. The University presupposes that any submission of work for academic credit indicates that the work is the student's own and is in compliance 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.

### **A. Academic Honesty Violations**

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

1. Submitting as one's own an author's published or unpublished work (e.g. material from a journal, Internet site, newspaper, encyclopedia), in whole, in part, or in paraphrase, without fully and properly crediting the author.
2. Submitting as one's own work or materials obtained from another student, individual, or agency without full and proper attribution.
3. Submitting as one's own work material that has been produced through unacknowledged or unauthorized collaboration with others.
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; using or distributing unauthorized copies of or notes from an examination.
7. Submitting as one's own an examination taken by another person; 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 field work, 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.

### **B. Academic Dishonesty Procedures:**

1. Prior to 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, after such consultation and investigation, the faculty member determines 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 Director of Undergraduate Education or the Dean of Graduate Studies, as appropriate. The letter should also inform the student that s/he may be subject to University Sanctions imposed directly by the Dean/Director 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 Director/Dean. If, upon meeting with the student, the faculty member determines that the student did not commit academic dishonesty, s/he will so inform the student and Director/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 collegiate dean, the Director of Undergraduate Education or the Dean of Graduate Studies, depending on whether the student is an undergraduate or graduate student, and the Office of the Vice Chancellor for Student Affairs. The chair/graduate program director and/or relevant collegiate dean(s) may, at their option, consult with the faculty member and/or student,

review the case and make separate recommendations to the Director/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 University sanctions should be applied in a particular case. The Dean's decision will be informed by any recommendations made by the student's graduate program director and/or collegiate dean.

Academic dishonesty by undergraduate students lies primarily within the purview of the collegiate deans. For the purposes of these procedures, the collegiate deans delegate responsibility for determining whether University sanctions should be applied in a particular case to the Director of Undergraduate Studies. The Director's decision will be informed by any recommendation made by the faculty member's chair and will be made in consultation with the collegiate dean(s) involved; it is further subject to review and revision by the faculty member's collegiate dean.

Within (10) ten business days of the notification of the faculty member's imposition of sanctions, the Director/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 Director/Dean may impose additional University Sanctions, including but not limited to those listed in VII for misconduct. University Sanctions will normally be imposed for violations of an especially serious nature or in cases of repeat offense.

4. Within (10) ten business days of the Director/Dean's imposition of University Sanctions, or (10) ten business days of the expiration of the period of time available to the Director/Dean to impose such sanctions, whichever comes first, 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. The Vice Chancellor of Academic Affairs/Provost will convene an Appeal Panel, consisting of 3-4 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, at which, at minimum, the panel will interview and question the student and faculty member. The Vice Chancellor for Academic Affairs/Provost 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 Vice Chancellor for Academic Affairs /Provost. 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 Director/Dean's decisions. Modifications may include any of the sanctions listed in

VII c for misconduct. 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. Expulsions may be appealed to the Chancellor within 10 business days of the Provost/Vice Chancellor for Academic Affairs' decision to expel.

### **C. Academic Dishonesty Sanctions:**

1. Sanctions to be imposed by faculty members may include one or more of the following:

- a. Failure in the assignment in which the infraction occurred.
- b. Forced withdrawal: the student is required to withdraw from the course. A grade of W will appear on the transcript, and no refunds of tuition, fees, or other charges will be made.
- c. Failure in the course or competency in which the infraction occurred.
- d. Recommendation of additional Sanctions: The faculty member, in cases of an especially serious nature, may recommend to the Director/Dean the imposition of additional penalties, including those listed in VII c for misconduct.

2. Sanctions to be imposed by the Director of Undergraduate Education and/or the Dean of Graduate Studies are University Sanctions and are described in detail in the University/Misconduct Sanctions section (§VII c) of this Code.

## **VII. STUDENT CONDUCT**

This Code is intended to create an environment supportive of a diverse academic experience, in which individual students' behavior does not infringe upon the rights of others or upon the educational process of the University. The expectation is that students will understand the extent to which their personal growth depends upon the maintenance of self-discipline, responsibility, and respectful interactions with others, and high standards of honesty and moral conduct.

### **A. Conduct Violations:**

The University defines student conduct violations to include, but not be limited to, the following:

1. Forgery, alteration, misuse, or destruction of, or unauthorized access to, official University records, documents, forms, or identification cards.

2. Furnishing of false or incomplete information to the University.
3. Disruptive conduct, including any attempt to impair, interfere with, or obstruct the orderly operations of the University community.
4. Obstruction or disruption of teaching, research, or other academic or administrative activities.
5. Harassment or intimidation of others, including stalking.
6. Violence, threats of violence, disorderly, lewd, or indecent conduct on University property or at a University-sponsored or supervised function.
7. Trespass or unauthorized entry.
8. Unlawful assembly on University property or at a University-sponsored or supervised function.
9. Theft of or damage to University property or the property of others on the University premises.
10. Possession or use on University property or at a University-sponsored or supervised function of firearms or other weapons, fireworks, or chemicals of a dangerous or explosive nature, except as specifically authorized by the Department of Public Safety.
11. Manufacture, or attempted manufacture, or use, possession, or distribution of narcotic or dangerous drugs or controlled substances, including but not limited to marijuana and lysergic acid diethylamide (LSD), except as expressly permitted by law. Please note: The fact that conduct in violation of this Code may have been influenced by the use of drugs or alcohol shall not in any way limit the responsibility of the student for the consequences of his/her actions.
12. Violation of campus alcohol and drug policies.
13. Violation of the campus smoking policy
14. Unauthorized possession, use, distribution, or duplication of any key or keys issued for a University building, laboratory, room, or facility.
15. Failure to comply with directives of University officials or other public officials acting in the performance of their duties. Directives must be lawful and conform to University policy and may not abridge the rights of directed individuals. Also, officials must identify themselves prior to initiating said directives to all parties involved.

16. Hazing—defined as any conduct or method of initiation into any student organization, whether on public or private property, which willfully or recklessly endangers the physical or mental health of any student or other person, as set out in Massachusetts General Law c.269 §17 & 18.
17. Use of the University Internet/Vax accounts for criminal or unauthorized purposes.
18. Harassment - Complaints of sexual harassment, or harassment on the basis of age, race, national origin, religion, sexual orientation or disability, should be reported to the University's Office of Affirmative Action and Multicultural Relations.
19. Violation of the University Policy on Sexual Offenses – i.e., unwanted sexual conduct, including but not limited to a sexual offense and/or rape. A sexual offense may include, but is not limited to, any sexual act directed against another person forcibly and/or against that person's will, or where the victim is incapable of giving consent.
20. Any unauthorized use of electronic or other devices to make an audio or video record of any person while on University property without his/her knowledge, video/photographing individuals in secured areas such as bathrooms, locker rooms, or other areas where there is a reasonable expectation of privacy, and /or taking video/photographs of an individual without his/her effective consent, and electronic transmission of video/photographs of any person without his/her express permission are strictly prohibited.
21. Violation of copyright rules, regulations, and laws.
22. Violation of local, state, and/or federal laws.

## **B. Misconduct Procedures:**

1. All cases of alleged student misconduct shall be referred in writing to the Vice Chancellor of Student Affairs. Any member of the University community may refer alleged student misconduct to the Vice Chancellor of Student Affairs or his/her designee. Any charges concerning alleged student misconduct must be referred in writing, along with any supporting documentation, statement, or evidence, to the Vice Chancellor of Student Affairs or his/her designee within thirty (30) days of the discovery of the incident. Charges should include a specific description of the alleged wrongful conduct, the date/time/locations of the incident, and identification of any witnesses. The Student Affairs Designee shall conduct a review of the charges and determine whether to resolve the matter informally or file formal charges.

2. If formal charges are filed, the following apply:
- a. Within ten (10) business days of the initial referral, the student will be notified, in writing, of the alleged misconduct and the charges. This notice will include a description of the complaint, the time and place if known, and the person who filed a report. The Student shall be provided a copy of the Code.
  - b. Within ten (10) business days of informing the student accused of misconduct, the Student Affairs Designee shall commence an investigation of the accusation(s). The investigation may include interviews with the person(s) making the accusation, the student(s) accused of misconduct, and other identified relevant parties who may have knowledge concerning the allegations.
  - c. Within ten (10) business days following the conclusion of the investigation, the Student Affairs Designee shall make a finding concerning the accusation and inform the student in writing of that finding. The Student Affairs Designee may issue a finding of:

**RESPONSIBLE:** In this case, the Student Affairs Designee may impose appropriate sanctions.

**NOT RESPONSIBLE:** In this case, no sanctions will be imposed and the individual charge(s) shall be dismissed.

3. Within (10) ten business days after the Student Affairs Designee's decision, a student may request an appeal in writing to the Vice Chancellor of Student Affairs. The Vice Chancellor shall convene an Appeal Panel from the standing membership of the Joint Discipline and Grievance Committee, consisting of 2-3 faculty members, 1 professional staff member, and 2 students, to review the case by convening a hearing. The Vice Chancellor for Student Affairs will appoint a member of the Panel to serve as the Chair. The hearing will be closed to all persons other than those invited by the Chair of the Appeal Panel. The hearing will be taped by the Chair of the Appeal Panel. The tape shall be kept by the Vice Chancellor of Student Affairs; all parties shall be informed in advance that the hearing will be taped. All information, both verbal and written, exchanged in the hearing shall be confidential, subject to applicable provisions of the Fair Information Practices Regulations of the University and applicable state and federal laws.

4. 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 Vice Chancellor for Student Affairs upholding, reversing, or modifying the Student Affairs Designee's decisions.. Within (10) ten business days of the receipt of this report, the Vice Chancellor for Student Affairs will accept or reject, in whole or in part, the Panel's findings. The decision of the Vice Chancellor for Student Affairs is the final University disposition of the matter and is not subject to further appeal, except in cases of expulsion. Expulsions may be appealed to the Chancellor within (10) ten business days of the decision to expel.

### **C. University/Misconduct Sanctions:**

Disciplinary Sanctions which may be imposed for misconduct shall include one or more of the following. Further infractions of University regulations will result in more severe disciplinary sanctions than those originally imposed.

1. **Case Dismissed:** An action which closes the case for any one of the following reasons: a “not responsible” finding is reached, or there is lack of sufficient information and/or evidence.
2. **Verbal Warning:** The lightest form of disciplinary action. This will be documented in the decision letter.
3. **Written Reprimand:** An official written notice to a student that his/her conduct is in violation of University rules or regulations and will not be tolerated.
4. **Disciplinary Probation:** A more severe sanction than a reprimand. For the duration of a stated probationary period, no less than one month, the student must demonstrate a willingness to comply with University rules or regulations or other stipulated conditions or requirements, which may include forfeiture of the privilege of participation in club or team activities or other University-based extracurricular activities. While on Disciplinary Probation, a student may not represent the University in any context, run for or hold office in any student organizations or participate in intercollegiate athletic teams, intramural programs, or any student clubs or organizations.
5. **Suspension from the University:** Withdrawal from all divisions of the University and premises for a period no less than one semester or fifteen (15) weeks. The suspension period will be stated in writing at the time of its imposition.
6. **Expulsion from the University:** Permanent separation from the University. An expelled student may not be readmitted to any of the University’s academic units, and a notation of expulsion may be placed on the student’s official University transcript.
7. **Restitution:** The assessment of financial charges or other forms of recompense for any damage or loss incurred by the University or any members of the University community.
8. **Counseling/Training/Community Service:** When appropriate, students may be required to seek counseling or training or to perform community service as a condition of readmission to or continued attendance at the University.

9. Restrictions and Trespass: The student is subject to arrest if s/he enters University premises (either generally or specific areas as noted in the sanction) without seeking prior approval from the Vice Chancellor of Students Affairs or his/her designee, who in turn will notify Campus Police.
  
10. Sanction Held in Abeyance: If there are sufficiently extenuating circumstances, the sanction is assessed but not imposed. The sanction may be imposed at a later time, however, if the student is subsequently found responsible for other violations of the Code.

Local, State, and Federal Charges: In cases where criminal or civil charges may apply, a case may be referred to local, state, or federal authorities

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