

**UNIVERSITY OF MASSACHUSETTS LOWELL**  
**STUDENT CONDUCT CODE AND DISCIPLINE PROCESS**

Acting upon the authority granted to it by the provisions of Chapter 75 of the General Laws, the Board of Trustees adopts the policies and procedures herein contained which govern the conduct of students. The provisions which follow are subject to requirements and guidelines established by the Board of Trustees.

**I. PREAMBLE**

Conduct appropriate to a student (graduate and undergraduate) at the University of Massachusetts Lowell is that conduct which promotes the individual's own academic pursuits and which contributes to meeting the community's educational goals and objectives. This Code of Conduct also applies to all individuals enrolled in any University of Massachusetts Lowell program or course(s), regardless of credits, any recognized student club, group or organization.

An individual's conduct or behavior becomes a proper concern of the University if it adversely affects the academic interest of other members of the University or the University's pursuit of its educational objectives. In addition, because the University is in an urban setting it is an inseparable part of the community and the surrounding neighborhoods. The University is strongly committed to the promotion of goodwill in the larger community which is essential to the continued cooperation of the University and its neighbors in civic projects and to the furtherance of the University's broader mission to contribute to the general good of society. Consequently, the University must consider student conduct, whether on or off campus, that is disruptive of good community relations or which interferes with, impairs or obstructs the University's mission, functions and processes or that are found to be offensive to generally accepted standards of sound behavior, as harmful and adverse to the University's interests.

Any behavior which may have been influenced by a student's mental state (irrespective of the ultimate evaluation), or use of drugs or alcoholic beverages shall not in any way limit the responsibility of the student for the consequences of his or her actions. The University will neither assume responsibility for, nor act in the collection of, privately incurred debts involving students. Therefore, such conduct will be subject to the University's Student Conduct Code and Discipline Process.

It is not the purpose of the University's regulations to duplicate the public statutes. The University cannot and does not condone violations of law and clearly recognizes that the laws of the land operate in full force on its campus. However, it does reserve its own special authority for the regulations of conduct which affects its particular interests as an academic community.

If a violation of law occurs on or off campus, which is also a violation of University or local regulations (this includes Residence Life policies), the University may institute proceedings against the offenders. Such action by the University is independent of and may proceed in parallel with civil and/or criminal action.

Fundamental to the achievement of community among the members of the University is the recognition by all such members that each shares a responsibility to observe University regulations. This obligation, which is an extension of the citizen's responsibility to observe the law of the land, is an essential corollary to participation in the academic rights afforded to members of the University.

The University Student Conduct Code contained in this document, are not the only rules or regulations governing conduct on this campus. Everyone, students, faculty, staff and administrators, is urged to become familiar with additional rules and regulations including but not limited to Motor Vehicle Regulations, Residence Hall Rules and Regulations, rules regarding Academic Dishonesty, the Sexual Harassment Policy, the Policy for Demonstrations on university property (see appendix D) and the University Policies for Electronic Resources.

This Code sets forth examples of behavior for which discipline may be imposed and is neither intended to be exhaustive nor to limit the University's ability to discipline particular conduct.

## **II. UNIVERSITY OF MASSACHUSETTS LOWELL STUDENT DISCIPLINE PROCESS**

It is in the best interest of the University and members of the University community for the University to function in regard to disciplinary matters as a self-contained community in an orderly environment. Assurance that fair sanctions will be promptly imposed on those found responsible of misconduct will help the University preserve order. The University Student Discipline Process is designed to help the University exercise proper control over its own disciplinary affairs while acknowledging the rights and competence of the civil authorities in such matters. Procedures have been established which are reasonably calculated to facilitate a reliable determination of the issues and to afford any student(s) accused of misconduct certain basic procedural rights, as specified below.

It is the intent of these policies and procedures to set forth in a clear, concise manner the duties of all members of the University community and to set forth administrative and discipline procedures whereby those students who are accused of violating the rules may be afforded a hearing and, if appropriate, a fair and just sanction.

The student's enrollment shall not be altered or his right to be present on campus and to attend classes unless the Provost/or designee determines that immediate suspension is required for the safety and well-being of the University community or property. (See Section J under "Sanctions" entitled enforced Medical Withdrawal/Interim Suspension, as an example).

## **III. UNIVERSITY OF MASSACHUSETTS LOWELL JURISDICTION**

Students are subject to all local, state and federal laws. Conduct, whether on or off-campus which adversely affects the University's mission and purpose, brings disrepute upon the University or that is offensive to accepted standards of behavior, will be subject to a hearing through the University of Massachusetts Lowell Discipline Process and, if warranted, careful consideration will be given to University disciplinary action in addition to whatever action civil authorities might pursue.

A violation by students of a civil/criminal law on or off campus which brings the University into disrepute and seriously affects the ability of the University to carry out its normal activities or provide security to its members shall be considered of interest to the University and students may be subject to a hearing through the University of Massachusetts Lowell Discipline Process.

## **IV. UNIVERSITY OF MASSACHUSETTS LOWELL STANDARDS**

Misconduct or violations of the Student Conduct Code for which students are subject to disciplinary action, up to and including suspension or dismissal from the University will generally fall into the following categories:

### General:

Violation of the Student Conduct Code as described in this document, the Residence Hall Student Conduct Code Handbook and any written updates to these and other University Rules and Regulations and Policies.

### Specific:

A. Respect and protection for persons and property - Respect for persons means acting so as to enhance their safety, well being and freedom to pursue all their legitimate aims. Respect for property means recognizing not only the ownership rights of persons and of the University but also the dependence of all on the availability and preservation of necessary facilities and equipment.

1. Against persons - No student shall assault, threaten, harass, stalk, haze or otherwise physically or psychologically abuse his or her self or any other person on or off campus including a University or city official acting in the line of duty. This shall include but not be limited to:
  - a. "Physical assault" which includes but is not limited to physical attack upon or physical interference with a person which prevents the person from conducting his or her customary or usual affairs, puts the person in fear for his or her physical safety, or causes the person to suffer actual physical injury. The University has special concern for incidents in which persons are subject to physical assault because of membership in a particular racial, religious, gender or sexual orientation group.
  - b. Conduct less than a physical attack or physical interference which interferes with a person in the conduct of his or her customary or usual affairs, such as the posting of threatening letters directed to the person, the use of threatening language directed at another, harassing or threatening telephone calls or email, or the vandalism of a person's room (e.g. by graffiti). The University has special concern for incidents in which persons are subject to such conduct because of membership in a particular racial, religious, gender or sexual orientation group.
  - c. Sexual assault or any other unwanted behavior of a sexually explicit nature.
2. Against property - No student shall take, possess, damage or deface any University or neighborhood property or any property not his/her own.
3. Health and Safety - No student shall refuse to observe any safety regulations or procedures. No student shall tamper with or otherwise misuse fire extinguishers, fire safety systems or other safety equipment on or off-campus.
4. Dangerous Conditions - No student shall knowingly create a condition which unnecessarily endangers or threatens the safety of his or her self or any student or other persons or of property on or off campus. (e.g. students are prohibited from throwing things from roofs or windows, sitting on windowsills, tampering with or damaging elevator equipment or other machinery, or causing self harm).
5. Interference - Interference with freedom of speech or movement, or intentional disruption or obstruction of teaching, research, administration, activities, or other functions or the incitement of others to do any of the above on or off campus. This includes noise disturbances on or off campus. Student tenants in off-campus housing will be held responsible for activities such as noise, fights and property damage in their homes which are reported to the University as disruptive of good community relations.
6. Weapons - No student shall possess or introduce, on or off campus, dangerous weapons including, but not limited to: knives, chukka sticks, pellet guns, archery equipment, martial arts weapons, firearms and/or fireworks or other explosives.
7. Discrimination - No student shall deny the rights or privileges of the University Community or the neighborhoods to another member of the University or city for reasons of race, religion, gender, color, national origin, age, disability, marital status, sexual orientation or status as a disabled or Vietnam-era veteran in its educational programs or employment.

This Student Conduct Code adheres to the University Affirmative Action Plan.

8. Hazing - No student or group shall be involved in any action or situation which recklessly or intentionally endangers mental or physical health, or involves forced consumption of liquor or drugs, or any other substance, for the purpose of initiation into or affiliation with any organization (in the case of an organization which authorizes such conduct, there will be recession of permission for that organization to operate on University property and possible recession of University recognition. In cases of alleged hazing by an individual or group, immediate suspension will occur pending a hearing to determine if University policy has been violated. This applies to such behavior on or off campus).

See Appendix A For University of Massachusetts Lowell's Policies Regarding The Practice of Hazing.

9. Racism - No student shall engage in any discriminatory activity based upon color of skin or ethnic or national origin. Racist activities include but are not limited to verbal or written threats, slander or slurs, and racially motivated physical assaults on or off campus.
10. Solicitation - No one may solicit any information or product anywhere on campus without the express written permission of the Dean of Students Office.

B. Security of buildings and facilities - Students of the University may enter and use all campus buildings and areas for the purposes assigned to these facilities and places during established operating hours. Exceptions to this rule are made only in the interests of safety, personal use and privacy, protection of valuable materials and equipment or to regulate access according to the hours which are normal for their assigned functions. When buildings or spaces within them are officially closed or restricted, limited access applies to all students of the University unless specifically exempted. Students must adhere to all local, state, federal regulations regarding trespassing on private property.

1. Unauthorized access - No student shall use or possess any key to any building which area she or he is not specially authorized to use or possess or to trespass after notice on University owned or leased property or private or city owned property.
2. Illegal entrance/Unauthorized presence - No student shall break into or without authority enter any University building or room or city owned or private property; nor shall any student enter or remain in any private room or office of any student, faculty member, administrative office or other person on or off campus without the express or implied permission of any person or persons authorized to use or live in that room or office; nor shall any unauthorized student enter or remain in any building or facility at a time when that facility is officially closed.
3. Restricted areas - No unauthorized student shall enter into any restricted areas; nor shall any student assist or make possible the unauthorized entry of any person into any restricted area. Restricted areas may include tunnels, roofs, posted or enclosed construction sites, secured utility areas, etc.
4. Unauthorized parking - No student shall park in any restricted area; nor shall any student assist or make possible the unauthorized entry of any person into any parking area.

C. Integrity of transactions and records - Respect for learning and knowledge means respect for personal integrity, both toward individuals and toward formal processes which record, reflect and enable the University's/city's functions.

1. False Information - No student shall furnish false information to the University or city official and especially as this relates to the University's Student Conduct Code. No student shall give false or misleading information which could damage or discredit another person.
2. Misrepresentation - No student shall represent himself or herself, as another person, in person, in writing or otherwise, with the intent to obtain benefit or to injure or defraud another.
3. False Testimony - No student shall give false or misleading information during any part of a discipline process or when completing documents issued by or used by the University or city for official functions or activities. Violations of this regulation will result in sanctions up to separation from the University for students and appropriate disciplinary action for non-students.
4. Misuse of records - No unauthorized student shall enter, search, copy, steal, forge or possess University/city records, documents or other material including misuse or unauthorized use of computers.
5. Unauthorized use of services - No student shall knowingly take or use any services without authorization.

6. No student or registered student organization - or chartered group, or any official University group may represent the University without the explicit prior consent of the officials of that group.
  7. No student group - may represent itself as acting for or on behalf of the University in any commercial enterprise or in the solicitation or collection of funds for any purpose whatsoever without approval in advance by the appropriate University agency. (This applies to all means of communication including, but not limited to, mail, telephone, email, web-based or other means.)
  8. Electronic Resources - The rights and privacy concerning the electronic resources of others must be respected. Attempts to bypass network and/or computer security (including probing activities), providing unauthorized services, and/or disabling or interfering with network access are explicitly prohibited. The illegal or unauthorized downloading and/or sharing of copyrighted materials is explicitly prohibited. (For more information please refer to University policies regarding electronic resources.)
- D. Official Directives - Within the University and city, authority is delegated specifically to some individuals and some official bodies to direct the action of other members of the University and city in fulfillment of legitimate purposes and functions of the University and community.
1. No student shall refuse to comply with the directions of University/city officials, instructional or administrative, including University Police and Residence Life Staff, acting in performance of their duties.
  2. I.D. Cards - All students must immediately surrender their University I.D. card upon request by an authorized University/City official such as Police, Administration, Residence Life Staff, etc. Altering, improperly possessing, or lending a University Identification Card to another person for any reason not expressly authorized by the University is a violation of this code. A University Identification Card falling into any of these categories may be confiscated by any student, staff or faculty member in the course of his/her charged work responsibility.
- E. University and Neighborhood Activities - All legitimate activities of the University/city and its members can contribute to the achievement of its purposes and ideals. No single activity is above legitimate challenge or question, but activities shall be protected from peremptory unauthorized interruption.
1. Individual Activities - No student shall obstruct or disrupt any educational, research, administrative, social or recreational activity of the University; nor shall any student create a nuisance to members or guests of the University/city.
  2. Group Activities - Actions/behaviors of Student organizations and student activities will also be subject to disciplinary action.
- F. Personal Activities - The University recognizes all local, federal and state laws and expects students to adhere to them. Specifically, the University puts students on notice that its campus offers no haven from applicable laws of personal behavior and that students are specifically liable for any violation of local, state and/or federal laws.
1. Alcoholic beverages - The sale, giving, serving or using of alcoholic beverages of those under the legal age is prohibited by Massachusetts Law. *See Appendix B. University of Massachusetts Lowell Alcohol Policy.*
  2. Drug Possession/sale/use - No student shall knowingly sell, possess, manufacture, cultivate, distribute or use, on or off campus, substances defined by Massachusetts or Federal Law as illegal. *See Appendix C. University of Massachusetts Lowell Drug Policy.* Federal law imposes definite sanctions for drug use, sale, possession, distribution, manufacture and cultivation.
  3. Gambling/Fund Raising - No student shall host or participate in activities that violate the Laws of the Commonwealth of Massachusetts pertaining to gambling and/or City of Lowell regulations governing gambling and fund raising.

4. Lewd/Indecent Conduct - Lewd or indecent conduct or expression, on or off campus/University property, or at University sponsored or supervised functions are a violation of the University Conduct Code.
5. Disorderly Conduct - Drunkenness and/or disorderly conduct is a violation of the University Conduct Code.

## **V. PROCEDURES FOR ADJUDICATING AN ALLEGED VIOLATION OF THE UNIVERSITY OF MASSACHUSETTS LOWELL STUDENT CONDUCT CODE**

Any member of the University community or any aggrieved member of the neighborhood community may notify the Dean of Students Office of violations of the University's Code of Conduct. This must be done within 2 semesters of the alleged violation. The Dean of Students Office will then proceed to investigate this alleged violation of a University regulation. The complaint will be evaluated by a University Hearing Officer to determine if further action is appropriate. Once charges are brought the case must be heard through to resolution. *It is the policy of the University to inform both the accuser and the accused of the outcome of any campus disciplinary proceeding involving sexual offenses and other violent crimes.* (Disciplinary flags can be set if a student fails to respond to notification of an alleged violation of the Code of Conduct, failure to complete sanctions, when the University is concerned that a student's conduct affects the safety and well-being of the University community or when a student is suspended or expelled from the University. When a disciplinary flag has been set, the student cannot register for classes and may not be eligible for other academic services until meeting with a University Hearing Officer.)

Accommodations for Students with Disabilities-The University of Massachusetts Lowell is committed to providing appropriate accommodations to students with disabilities so that all students have meaningful access to all UMass Lowell programs and services, including the Discipline Process.

All students with disabilities who are involved in the Discipline Process, including accusers and accused students, advisors, witnesses and University Conduct Board members - may seek accommodations for any stage of the Discipline Process, including preliminary meetings with a Hearing Officer, University Conduct Board Hearings, Administrative Hearings and appeals. Any student requesting an accommodation must do so far enough in advance to allow the request to be reviewed and an appropriate accommodation identified and implemented. Although there is no firm deadline beyond which an accommodation cannot be requested, the student will be held accountable for making any request in a timely fashion: the University may not be able to provide an accommodation which is not requested at least five working days before the accommodation is needed. Accordingly, each student seeking an accommodation is strongly encouraged to do so as early as possible in the Discipline Process.

A request for accommodation can be made to the Director of Disability Services ("Director"), the designated Hearing Officer or the Director of Student Development and Campus Conduct. The requests will be reviewed by the Director, who will apply appropriate legal standards and University policies and procedures to determine what accommodation, if any, is appropriate. The student will be given an opportunity to have an interactive role in the review process - i.e., to discuss the request with the Director - before the Director completes the review. The Director may require the student to provide appropriate documentation from qualified health care professionals to support the request. In addition, the Director, in her/his discretion, shall consult as appropriate with the Hearing Officer or the Director of Student Development and Campus Conduct, or other experts of the Director's choosing. The Director will make his/her determination in light of the student's particular disabilities and the nature of the Discipline Process, as informed by any consultations, relevant documentation and relevant previous accommodations provided to the student, and the student will be given an explanation of the Director's determination.

If the student requesting accommodations disagrees with the Director's determination on appropriate accommodations, he/she may appeal the determination to the Office of ADA Compliance (Office of Equal Opportunity and Outreach) within five (5) working days of the Director's decision.

Right to an Advisor - A student may elect to be accompanied at all formal proceedings of the discipline process by an advisor of his/her choice. The advisor must be a member of the faculty, staff or student body of the University EXCEPT that legal counsel may accompany a student, at the student's discretion (and at the student's expense), when a criminal charge arising from the matter before the Discipline Process is pending or is considered likely. The University will inform the accused of any pending criminal charges of which it is aware prior to the hearing. Any student who elects to have an attorney present in this capacity must give advance written notice of not less than five (5) working days to the Director of Student Development and Campus Conduct. If the Hearing Officer concludes that other deadlines must be extended as a result of this provision, he or she shall have the authority to do so. Absent a pending criminal charge or the bona fide likelihood thereof, the advisor must be drawn from within the University community.

The role of the advisor in ALL cases, whether the advisor is a member of the University community or legal counsel, is limited to advising the student during the discipline proceedings. The advisor may not speak on behalf of the student, or examine or cross-examine a witness, or address the discipline process publicly during formal discipline proceedings.

The accused must direct all questions and/or concerns about any discipline matter or hearing to the hearing officer or chair of the appropriate discipline process. The accused is strictly prohibited from talking directly with Board members or witnesses outside of a discipline process about any case involving the accused.

If the Hearing Officer finds that a violation of the University's Code of Conduct has occurred he/she will in a timely fashion:

1. Notify the student, verbally and in writing, that he/she has allegedly violated University standards of conduct and ask the student to schedule an interview. Failure to schedule a preliminary interview within seven (7) working days will result in imposition of sanctions in absentia. Refusal to accept notification verbally or in writing is not grounds for failing to schedule the interview.
2. Conduct a preliminary interview with the student, during which the charges will be discussed, the student may be asked to make a written statement and complete appropriate forms.
3. The student will be asked to make a formal plea of not responsible, no contest or responsible and complete appropriate forms.
4. In response to the plea, the student is offered the following options:
  - a. If a "not responsible" plea is entered the student has the option of A or B.
  - b. If the plea entered is "responsible" the student has the option of A, B or C.
  - c. If the plea entered is no contest, the student may choose C.
  - A. University Discipline Board Hearing. Once a student chooses either the Administrative Hearing or the Discipline Board the decision cannot be changed.
  - B. Administrative Hearing with the Director of Student Development and Campus Conduct or her/his designee.
  - C. Appropriate resolution by the Hearing Officer (student may plead no contest or responsible and choose sanctions offered by the Hearing Officer rather than pursue Discipline processes).

## **VI. UNIVERSITY CONDUCT BOARD**

### **Membership:**

The University Conduct Board is chaired by the Director of Student Development and Campus Conduct or his/her designee who votes only in the event of a tie. Three student members are chosen from an established pool of students who have been identified through an application and interview process, and have been selected by the Director of Student Development and Campus Conduct and two other Student Affairs staff members. The three faculty/staff members are chosen from an established pool of University faculty/staff. All new members of a University Conduct Board must attend an orientation training in order to serve as a Discipline Board member. The University Conduct Board will meet on a set three week rotation during the academic year or will be called as needed.

### **Procedures:**

(Working day is defined as any day the University is open for business)

In cases heard by the University Conduct Board, the following procedures apply:

1. The student will be notified in writing of the date, time and location of the hearing in sufficient time to prepare for it. In no case will a hearing be scheduled less than 5 days after notification, unless a shorter period of time is mutually agreed upon but never will it be less than 48 hours. If the student fails to appear at the hearing the sanctions imposed by the Hearing Officer will be imposed in absentia and the student waives his/her right to a Conduct Board Hearing. The University will make every attempt to choose a time which is convenient for as many of those as possible required to attend a hearing.
2. Hearings are closed and a tape will be made of the hearing.
3. Both parties may request a submission of written, factual accounts by witnesses and may request that the authors appear at the hearing by making such request, in writing, no later than 48 hours before the hearing. Such a request must be made to the Hearing Officer. Written testimony/statements may be accepted and read into the record in the absence of the authors.
4. Before the hearing, the accused student and the complainant may review any evidence that will be introduced at the hearing.
5. Each student appearing at the hearing may have an advisor of his or her choice from the University community. The sole role of this person is to advise the student. The advisor may neither address the Board nor participate in the proceedings. The advisor cannot also be a witness for the accused. (Please see section V: Right to an Advisor). The name of the advisor must be submitted in writing to the Chair no later than 48 hours before the hearing.
6. The accused student and the complainant may hear and question all witnesses. Questions must be directed to the Chair of the Judicial Board only, not to the other members, accused student or complainant. The chairperson reserves the right to ask only those questions that are relevant to the charges or conduct in question.
7. The University Conduct Board will make its decision promptly and communicate it to the accused in writing but always within five working days of completion of deliberation. The Chair will inform the student of his/her right to appeal the decision. Such an appeal must be made in writing within five working days of receipt of the written board decision and must specify the grounds for the appeal. The appeal must be directed to the Provost/or designee who may refer it to the University Appeals Board. Failure to appeal within the five (5) days will result in the imposition of sanctions determined by the Conduct Board. It is the policy of the University to inform both the accuser and the accused of the outcome of any campus disciplinary proceeding involving violent crime, including sexual assault.

## **VII. ADMINISTRATIVE HEARING**

If the student waives the University Conduct Board hearing and chooses the option of an Administrative Hearing, the following procedures will apply:

1. The student will be notified of the date, time and location of an administrative hearing with the Director of Student Development and Campus Conduct or designee. The student will be notified in writing of the date, time and location of the hearing in sufficient time to prepare for it. In no case will a hearing be scheduled less than 5 days after notification, unless a shorter period of time is mutually agreed upon but never will it be less than 48 hours. If the student fails to appear at the hearing the sanctions imposed by the Hearing Officer will be imposed in absentia and the student waives his/her right to an Administrative Hearing. The University will make every attempt to choose a time, which is convenient for as many of those as possible required to attend a hearing.
2. The hearing is closed and includes the accused student(s) and the Director of Student Development and Campus Conduct or his/her designee, who may at his/her discretion include the Pre-Hearing Officer. Each student appearing at the hearing may have an advisor of his or her choice from the University community. The sole role of this person is to advise the student. The advisor may neither address the Board nor participate in the proceedings. The advisor cannot also be a witness for the accused. (Please see section V: Right to an Advisor)
3. Both parties may request a submission of written, factual accounts by witnesses and may request that the authors appear at the hearing by making such request, in writing, no later than 48 hours before the hearing. Such a request must be made to the Hearing Officer. Written testimony/statements may be accepted and read into the record in the absence of the authors.
4. Before the hearing, if available, the accused student and complainant may review any evidence that will be introduced at the hearing.
5. A taped record of the hearing will be made.
6. The Director of Student Development and Campus Conduct /or designee will review all information and testimony by the student(s) and make a decision.
7. The Director of Student Development and Campus Conduct / or designee will notify the student(s) in writing within five working days of his/her decision and what sanctions, if any, will be imposed.
8. The student(s) will be informed of his/her right to appeal this decision. Such an appeal must be made in writing within five working days of receipt of the written decision and must specify the grounds for the appeal. An appeal should be directed to the Provost/or designee, who may refer it to the University Appeals Board. Failure to appeal within five (5) days will result in the imposition of the Administrative Hearing sanctions. It is the policy of the University to inform both the accuser and the accused of the outcome of any campus disciplinary proceeding involving violent crime, such as sexual assault.

## **VIII. APPEALS**

A decision reached by the Discipline Board or Administrative Hearing Officer may be appealed by the Accused Student(s) or Complainant(s) to the Dean of Students or designee within five (5) business days of receipt of the decision. Such appeals shall be in writing and shall be delivered to the Dean of Students or his designee. The Dean of Students or his designee may decide to uphold the original outcome or convene the University Appeals Board. All decisions by the Dean of Students or his designee are final and not appealable. Such decisions will be made within five (5) business days of receipt of appeal.

## **1. Grounds for Appeal**

Except as required to explain the basis of new information, an appeal shall be limited to a review of the verbatim record of the Discipline Board or Administrative Hearing and supporting documents for one of the following grounds:

1. If the student can demonstrate bias against him/her by the administrator or any member of the Conduct Board which had the likely effect of influencing the outcome of the process to the detriment of the accused.
2. If new information has come to light which was not available at the time of the initial hearing.
3. If the student thinks the penalty was too severe for the offense.
4. If unusual procedures were followed, or if the procedures outlined herein were not followed, and such unusual procedures or the failure to follow procedure reasonably affected the decision of the panel to the detriment of the accused.

## **IX. UNIVERSITY APPEALS BOARD**

### Membership:

The University Appeals Board is chaired by the Provost/or designee. The Provost/or designee will vote only in the case of a tie. The Appeals Board consists of two (2) administrative staff, two (2) students and two (2) faculty members. The Board has jurisdiction over student appeals to disciplinary action. Appeals to the Board must be presented in writing.

### Procedures:

In cases heard by the University Appeals Board, the following procedures apply:

1. The Provost/or designee will notify the accused student(s) and complainant(s) in writing of the date and time of the hearing, as well as the location when appropriate. In no case will a hearing be scheduled less than five working days after notification to allow for the preparation of any new information.
2. Hearings are closed and a tape will be made of the hearing.
3. Except as required to explain the basis of new information, an appeal shall be limited to a review of the verbatim (taped) record of the Discipline Board or Administrative Hearing and supporting documents
4. Where new information is presented, both the accused student(s) and complainant(s) will be allowed to be present.
  - a. Before the hearing the accused student(s) and complainant(s) may review any new evidence that will be introduced to the appeal hearing.
  - b. Each student appearing at the hearing may have an advisor or his/her choice from the University community. The sole role of this person is to advise the student. The advisor may neither address the Board nor participate in the proceedings. The advisor cannot also be a witness for the accused. (Please see section V: Right to an Advisor).
  - c. The accused student(s) and complainant(s) may hear and question witnesses pertaining to the new evidence. Questions must be directed to the Chair of the Appeals Board only. The chairperson reserves the right to ask only those questions that are relevant to the new evidence.

5. The University Appeals Board will make its decision promptly and communicate it to the defendant in writing (acknowledged receipt) within 3 working days of the completion of deliberations. The decision of the University Appeals Board is final and not appealable. It is the policy of the University to inform both the accuser and the accused of the outcome of any campus disciplinary proceeding involving violent crime, including sexual assault.

## **X. SANCTIONS**

The following sanctions may be applied to any individual or group for violations of University policies or guidelines. However, the University is not limited to these sanctions nor to the application of only one of these sanctions. Sanctions including expulsion and suspension will be part of the student's file in the Dean of Students Office. Students may request the removal of all other sanctions from this file at the completion of their education at the University of Massachusetts Lowell. Sanctions for violations of conduct under this Code are progressive. That is, students with prior disciplinary records may receive more severe sanctions than students with no prior records. Any student found responsible of an additional offense while serving a prior disciplinary probation or suspension may be suspended or expelled. Notwithstanding the progressive nature of sanctions, the University reserves its right to impose any level of sanction it deems appropriate and warranted.

A. Expulsion - This is the involuntary and permanent separation of the student from the University. This sanction will be recorded on the student's transcript. The student will also be barred from the University premises.

B. Suspension - This is also an involuntary separation of the student from the University, differing from expulsion in that it implies and states a time when a return may be possible. Thus, suspension may extend from 1) a semester, 2) for a specified period, 3) longer than one semester, until a specifically designated date or 4) until a stated condition is met, pending review by the Provost/or designee. Suspensions that take effect during a semester will result in the loss of academic credit for that semester. The student cannot participate in any University sponsored activity and is barred from University premises.

C. Probation - A student placed on probation is in a middle status between good standing at the institution and suspension or expulsion. This student is permitted to remain enrolled at the University, but only after certain stated conditions are met depending upon the nature of the violation and upon the potential learning value that may derive from such a restrictive measure.

*Usually, probation is for a stated period during which it is clearly understood that the student is subject to further severe disciplinary action, including suspension or expulsion, if the student violates the term of his/her probation or in any way fails to conduct him/herself as a good citizen of the University. Probation is, in effect, a second chance offered to the student to help him re-evaluate his conduct and benefit from experience. Probationary status does not appear on a student's transcript but remains a part of the student's disciplinary record. There are two forms of probation:*

1. Probation with restrictions - for a specified period of time. Restrictions are recommended by the Hearing Officer, Discipline Board, Administrative Hearing Officer or the University Appeal Board and can include but not be limited to withdrawal of the privileges to represent the University in any co-curricular activities involving events before the public, service as an officer in any student organization/club or service on the editorial board of any student publications. Specified times are never more than one academic year or two semesters or until further notice, pending review by the Provost/or designee.
2. Probation without restriction - for a specified time which is never more than one academic year or two semesters or until further notice, pending review by the Provost/or designee.

D. Reprimand - This written action is a formal admonition on behalf of the University and is intended to address behavior that has been deemed unacceptable for a University of Massachusetts Lowell student. This action may be taken for repeated offenses or warnings as well.

- E. Social Probation or Group Sanctions - This status is applied as a result of a breach of social regulation. Its primary effect is to suspend the privilege of sponsoring social events and/or to restrict access to specific campus facilities (use of facilities).
- F. Verbal Warning - In instances of less serious deviations from the norms of good conduct, the student may be warned of the possible consequences of continuing such behavior. No specific action is taken unless further misconduct occurs.
- G. Restitution - If an infraction involves damages, destruction or loss of property, monetary restitution may be imposed.
- H. Community Service Projects - Students may be asked to perform a specified number of hours of community service as a sanction for a violation of the Student Conduct Code.
- I. Other Sanctions - Other sanctions may be imposed instead of or in addition to those specified above, such as work requirements, restriction upon privileges, etc.
- J. Enforced Medical Withdrawal/Interim Suspension - The University reserves the right to temporarily separate a student from the institution for conduct which has as its basis a psychiatric or medical condition. Such action of the Provost or designee will be done with appropriate professional consultation and when possible, only after the student has been given the opportunity to respond to the allegations presented against him/her.
- K. Removal or relocation from University Housing – The University reserves the right to remove a student from University Housing, or to relocation him to another Residence Hall.

## **XI. RECORDS AND CONFIDENTIALITY**

The Dean of Students Office shall maintain the official disciplinary records and a disciplinary tracking system, which shall include, but not be limited to, the student's name and related identifying information, applicable Student Conduct Code section(s), parties involved, description of the incident, sanction(s), expiration dates, agreements or restrictions, and any other data deemed relevant. Such record will be maintained for seven years after the date of the incident; the exception to this would be an expulsion noted on the transcript. Disciplinary records and related information shall be made available to Hearing Officer, Conduct Board, Administrative Hearing and Appeal Boards and University personnel designated as necessary.

Students may arrange to review their own disciplinary records and related information by contacting the Dean of Students Office. Except as provided in the Student Conduct Code, the University shall not communicate a student's disciplinary record and related information to any person or agency without prior written consent of the student or, when the student is a minor, the student's parents or legal guardian, except as required or permitted by law (in accordance with FERPA).

**Appendix. A.**  
**University of Massachusetts Lowell**  
**Policies Regarding the Practice of Hazing**

Hazing in any form is not acceptable. The following policy exists for the protection of the well-being and dignity of University of Massachusetts Lowell students and employees.

The University of Massachusetts Lowell defines hazing as the following:

"Hazing is any intentional action taken, situation created, or any conduct or method of initiation into any University organization, residence hall, club, or team, which denies a person his or her individual rights or results in mental or physical discomfort, embarrassment, harassment, ridicule, or endangerment, whether occurring on public or private property."

The following are examples of conduct which constitute hazing. This list is not meant to be exhaustive or to limit the University's ability to discipline any conduct which it determines is in violation of this policy.

1. First Degree or "Subtle" Hazing:

Subtle Hazing includes initiations and the like which manipulate, coerce, or in other respects seek to deny the rights or dignity of individuals. Typically this involves psychological pressure on an individual to agree to a certain action in order to be more fully accepted, whether or not performance of this action has any bearing on actual membership status.

2. Second Degree or "Harassment" Hazing:

Harassment Hazing involves actions which cause mental anguish or physical discomfort. Typically, this involves persistent physical or verbal actions which threaten, irritate, demean, or inflict pain.

3. Third Degree or "Hazardous" Hazing:

Hazardous hazing includes actions which endanger life or mental health, which have the potential of causing bodily injury, or which subject a person to severe mental stress.

Examples of Hazing. The following list is provided for the purpose of clarifying what actions constitute an act of hazing. This is intentionally not broken down into the three categories of hazing since any or all may be done in varying degrees of severity. Therefore hazing includes but is not limited to the following:

1. Assigning pranks such as stealing, painting objects, panty raids, harassing another organization.
2. Modifying one's appearance such as partial or total haircuts, shaving of eyebrows, tattoos, and drawing on skin with magic markers.
3. Engaging in public stunts and buffoonery.
4. Consumption of undesired foods or liquids.
5. Apparel which embarrasses or which is lewd.
6. Playing games where the loser must perform some humiliating action (e.g. "strip-poker").
7. Agreeing to do demeaning tasks for others (servitude)
8. Scavenger hunts, quests, treasure hunts carried on outside the confines of a house or meeting room.
9. Spanking or Swatting.

10. Yelling at the students.
11. Throwing in shower, dousing, powdering, etc.
12. Requiring that they accept verbal abuse, name calling.
13. Road trips and kidnapping.
14. Interfering with study time.
15. Having "pledges" re-do work already completed once.
16. Less than 7 hours continuous sleep during initiation period.
17. Misleading student(s) about a falsehood which would cause mental anguish if it were true (e.g. girlfriend left, parents killed) .
18. Messing up a room or area for associates to clean up.
19. Sitting or standing, etc. in uncomfortable or embarrassing positions especially for any length of time.
20. Disruption of sleep.
21. Spreading rumors about individuals.
22. Pushing, shoving, or tackling associates.
23. Testing emotional stability.
24. Calisthenics which are more than simple warm up exercises.
25. Simulations of death or burials.
26. Use of any weapons or objects which could be used as a weapon to threaten or inflict harm.
27. Sexual activity.
28. Expected or forced use of alcohol and/or drugs.

Sanctions: If an individual and/or group of individuals are found to be responsible of committing an act of hazing, the University Discipline Board shall impose sanctions as determined appropriate within the parameters of the Student Conduct Code.

**Appendix B**  
**University of Massachusetts Lowell**  
**Alcohol/Drug Policy**

Preface

All students/employees at the University of Massachusetts Lowell are expected to abide by all Federal, State and local laws, including those regulating the use, possession, sale, distribution, manufacture and cultivation of illicit drugs and alcohol. In addition, Congress amended Title XII of the Higher Education Act of 1965 by adding a section pertaining to Drug Free Schools and Campuses. Under this and other newer amendments any institution receiving federal funds, including federal student loan programs, must adopt and implement policies to prevent the use of illegal drugs and alcohol by students and employees.

Students/employees may face criminal charges for violations of local, state, and/or federal law. It is therefore, the University's responsibility to insure that every student/employee is aware of the following information:

- A. Federal, State and Local Law relating to the unlawful use, possession, distribution, sale, manufacture or production of alcohol.
1. The University does not allow any person, group or organization to sell, dispense, produce or manufacture alcoholic beverages on University property.
  2. No person shall operate a motor vehicle while under the influence of alcohol.
  3. No alcoholic beverages shall be sold, dispensed or delivered to a person who is known to be an intoxicated person.
  4. No person or group shall purchase or otherwise procure alcoholic beverages for consumption by a person under 21 years of age.
  5. No person under 21 years of age shall transport, purchase, sell, possess or receive alcoholic beverages unless accompanied by his/her parent or legal guardian except that person who is 18-20 may transport or carry alcoholic beverages in the course of his/her bonafide employment in an establishment licensed to sell alcoholic beverages.
  6. No person under 21 years of age shall use the liquor identification card of another, or furnish false identification in obtaining such a card, or alter or deface such a card.
  7. No person shall appear in a state of intoxication in a public place or disturb the peace in any manner while intoxicated.
  8. Students/employees who are found in violation of these stated prohibitions may be subject to arrest and conviction under the applicable criminal laws of the Commonwealth. Conviction can result in sanction including probation, fines and imprisonment.
  9. Students who are found to be in violation of these stated prohibitions are subject to discipline in accordance with the requirement of the University's Student Conduct Code and Discipline Process.
  10. Employees found to be in violation of these stated prohibitions are subject to disciplinary action in accordance with any applicable bargaining agreements.

The above listed general policy regulations should not be considered as an exhaustive restatement of the pertinent federal, state and local laws regarding the use of alcohol. All members of the University of Massachusetts Lowell community are expected to acquaint themselves with and

abide by all laws governing the acquisition, possession, transportation, consumption and sale of alcoholic beverages.

B. Health Risks - Alcohol consumption causes a number of marked changes in behavior. Even low doses significantly impair the judgment and coordination required to drive a car safely, increasing the likelihood of an accident. Low to moderate doses of alcohol also increase the incidence of a variety of aggressive acts, including spouse and child abuse. Moderate to high doses of alcohol cause marked impairments in high mental functions, severely altering a person's ability to learn and remember information. Very high doses cause respiratory depression and death. If combined with other depressants of the central nervous system, much lower doses of alcohol will produce the effects just described. Repeated use of alcohol can lead to dependence. Sudden cessation of alcohol intake is likely to produce withdrawal symptoms, including severe anxiety, tremors, hallucinations and convulsions. Alcohol withdrawal can be life-threatening. Long-term consumption of large quantities of alcohol, particularly when combined with poor nutrition, can also lead to permanent damage to vital organs such as the brain and liver. Mothers who drink alcohol during pregnancy may give birth to infants with fetal alcohol syndrome. These infants have irreversible physical abnormalities and mental retardation. In addition, research indicates that children of alcoholic parents are at greater risk than other youngsters of becoming alcoholics.

C. Sanctions

Alcohol Policy Violations

Minimum Sanctions

1. First use/possession

Parental notification for students under 21 and \*SEP attendance for all students and housing probation for resident students. Written reprimand for commuter students. *Incidents involving University intervention (EMT's, University or City Police, Res Life Staff) may result in additional sanctions.*

---

Second use/possession:

Parental notification for students under 21, \*SEP attendance for all students, written reprimand for commuter students, and three day suspension from housing and housing probation for resident students.

---

Subsequent use/possession:

\*SEP attendance, parental notification for students under 21. University probation without restrictions for all students and suspension from housing for resident students.

---

2. Providing to Minors:

Parental notification for students under 21 plus sanctions ranging from disciplinary probation to suspension and expulsion for all students.

---

3. Sale/Distribution:

Parental notification for students under 21 plus sanctions ranging from disciplinary probation to suspension or expulsion for all students.

**\*Substance Education Program**

D. Definitions

1. University - all areas under jurisdiction of the University including all (1) property owned, occupied, leased or used by the University, (2) University Building Authority and (3) other University recognized organizations.
2. Employee - elected or appointed officers or employees, including all members of the University faculty and staff whether serving full or part-time, temporary or permanent, compensated or uncompensated.
3. Student - any person enrolled in a class or course at the University, whether full or part-time, graduate or undergraduate.
4. Controlled substance as defined in schedules I through V of section 202 of the Controlled Substances Act (21 USC. 812).
5. Authority - These regulations are promulgated by the Trustees of the University pursuant to applicable provisions of Massachusetts General Laws, Chapter 15A, sections 10 (g) and shall be in effect.
6. Alcoholic Beverage - any liquid intended for human consumption as a beverage and containing one half of one percent or more of alcohol by volume at sixty degree Fahrenheit.
7. Organization - all recognized student organizations, governments and groups of students, all faculty, staff and alumni organizations using areas under University jurisdiction and all non-University organizations requesting use of any University facilities.

E. Referral/Resources for Alcohol Related Problems

Services and resources are available to all members of the University community to provide accurate information relating to alcohol, to support individual needs and to assist at crisis points. Listings of resources on campus are available by calling the Counseling Center (934-4331), Student Health Services (934-4991), the Human Resources Office (934-3555) or the Dean of Students Office (934-2100).

In addition, individuals who wish to enroll in an alcohol rehabilitation program should check the University's insurance or their own insurance to verify if they are covered for these services.

**Appendix C**  
**University of Massachusetts Lowell**  
**Drug-Free Schools and Campuses**  
**Drug Policies and Regulations**

Please see Appendix B for the University's Alcohol Policies and Regulations

All students/employees at the University of Massachusetts Lowell are expected to abide by all Federal, State and local laws, including those regulating the use, possession, sale, distribution, manufacture and cultivation of illicit drugs.

In addition, Congress amended Title XII of the Higher Education Act of 1965 by adding a section pertaining to Drug Free Schools and Campuses. Under this and other newer amendments any institution receiving federal funds, including federal student loan programs, must adopt and implement policies to prevent the use of illegal drugs and alcohol by students and employees.

It is therefore, the University's responsibility to insure that every student/employee is aware of the following information:

A. Sanctions for the Use of Illegal Drugs

Drug Policy Violation and Minimum Sanctions

1. Use/Possession/Being in Presence of:
  - a. First Offense: Parental notification for students under 21. \*SEP attendance for all students with housing suspension for resident students and written reprimand for commuters.
  - b. Second Offense: Parental notification for students under 21. Sanctions ranging from disciplinary probation and SEP attendance for all students and, in addition, for residential students, a two week suspension from housing.
  - c. Subsequent Offenses: Parental notification for students under 21 and University suspension for all students.
2. Possession with Intent to Distribute/Supply:
  - a. Parental notification for students under 21 and sanctions ranging from suspension to expulsion for all students.
3. Sale or Distribution:
  - a. Parental notification for students under 21. Sanctions ranging from suspension to expulsion for all students.
4. Manufacture/Cultivation:
  - a. Parental notification for students under 21. Sanctions ranging from suspension to expulsion for all students.

**\*Substance Education Program**

B. Federal, State and Local Sanctions - For unlawful use, possession, distribution, sale manufacture and cultivation of illicit drug. For specific sanctions please contact the authorities.

C. Referrals/Resources for Drug-Related Problems - Services and resources are available to all members of the University community, to provide accurate information relating to drugs and alcohol, to

support individual needs and to assist at crises points. Listings of resources on campus are available by calling the Counseling Center (934-4331), Student Health Services (934-4991) and the Human Resources Office (934-3555).

In addition, individuals who wish to enroll in drug abuse assistance and rehabilitation programs should check the University's insurance and their own insurance to verify if they are covered for these policies.

D. Definitions - Area under jurisdiction of the University-includes all (1) property occupied, leased or used by the University; (2) property owned, occupied, leased or used by the University of Massachusetts Lowell Building Authority; and (3) property occupied or used by any other university-recognized organization.

Controlled Substance-means a controlled substance in schedules I. through V. of section 202 of the Controlled Substances Act (21 U.S.C. 812);

Conviction-means a finding of responsible (including a plea of nolo contendere) or imposition of sentence, or both, by any discipline body charged with the responsibility to determine violations of the Federal or State criminal drug statutes.

Employee-elected or appointed officers or employees, including all members of the University faculty and staff whether serving full or part-time, temporary or permanent, compensated or uncompensated.

Manufacture-the production, preparation, propagation, compounding, conversion or processing of a controlled substance.

Possession-the knowing or intentional possession of a controlled substance; having direct physical control over a controlled substance.

Student-any person enrolled in a class or course at the University, whether full or part-time, graduate or undergraduate.

University-the University of Massachusetts Lowell, all campuses and all leased space or space occupied with a user permit or license for the conduct of University business.

## Appendix D

### University of Massachusetts

#### Guidelines for Responses to Demonstrations on University Property

The University of Massachusetts recognizes the rights of members of the University community to freedom of assembly and speech, and strongly believes in fostering discourse and the free exchange of ideas at the University. However, as a matter of law and University policy, these rights and interests are restricted, and must be exercised on University property in a manner consistent with the mission and operation of the University and the rights of other members of the University community. Accordingly, the University long ago adopted policies and procedures at each of its campuses which take into account these countervailing interests.

Nonetheless, some members of the University community on occasion have exceeded the bounds of appropriate expression during the course of demonstrations, by interfering in the educational activities and business of the University and with the rights of others. It is therefore desirable to re-affirm the importance of appropriate time, place and manner restrictions on demonstrations. Accordingly, and in order to provide further consistency in the application of University policies to on-campus protests, the Office of the President is issuing the following guidelines for responding to demonstrations on University property:

- All campuses shall routinely and consistently apply the provisions of their respective codes of conduct and other relevant policies and procedures to on-campus demonstrations.
- The campuses shall take steps through appropriate procedures to hold demonstrators accountable for actions which violate University policies and regulations. Such improper actions include but are not limited to:
  - Material disruption of or interference with instructional activities, other University business and campus events;
  - Actual or threats of physical violence, or other forms of harassment, or destruction of University, other public or private property;
  - Interference with free entry to or exit from University facilities and free movement by individuals; and
  - Interference with the rights of other members of the University community to freedom of speech and assembly, and other rights.
- Demonstrations are limited to appropriate public forums, which do not include, among other locations, faculty and administrative offices, classrooms and other instructional facilities. (Public forums are locations which by tradition or policy are available for public assembly and speech - such as a student union lobby where students have traditionally gathered to debate issues.) To the extent that a public forum exists within a University building, any demonstrations within that forum shall take place only during the building's normal operating hours.
- Where appropriate, the University shall endeavor to maintain open lines of communication with demonstrators and to provide opportunities for discussion of matters in dispute so long as the demonstrators act consistent with University policy and the rights of others. However, as a general rule the University shall not negotiate with individuals who occupy any University facility, or with associated demonstrators, while any such occupation continues, and shall never negotiate within an occupied facility.

These guidelines are intended to support, not supplant, existing University policy. They apply to all members of the University community, including undergraduates, graduate students and employees, as well as to guests and visitors. The guidelines should be implemented as consistently as possible, recognizing that special circumstances may on rare occasion require limited and judicious deviation from the guidelines