

Amherst College

Section 2. Examples of Violations to the Student Code of Conduct

The responsible administrator for this section is the Office of Community Standards. The Office of Student Affairs has approval authority.

2.0. Introduction

Any of the following acts in this section or subsequent sections can constitute a violation of the *Student Code of Conduct* and of the standards designed to assist individuals at the College toward the full enjoyment of their opportunities. The behaviors listed here are intended to be illustrative rather than exhaustive. Cross references direct the reader to subsequent code sections that may contain additional standards and clarifications. The College will not tolerate acts of retaliation (see Section 2.28.) against an individual who initiates a report or complaint to the College or who participates in any College adjudication process. Given the potential impact on individuals or community, potentially responsible parties will likely be subject to Temporary/Emergency Measures (see Section 12).

2.1. Harm to Persons

2.1.1. Intentionally or recklessly causing physical or emotional harm or endangering the well-being, health, or safety of any person.

2.1.2. Any action that threatens physical or emotional harm or endangers the well-being, health, or safety of any person.

2.1.3. Any physical or verbal threats against any person.

2.1.4. Any harassment, bullying, or intimidation of any person.

2.1.5. Conduct or a pattern of conduct—not of a sex-based, gender-based, or sexual nature—including without limitation physical, verbal, graphic, written, or electronic) which places any person in reasonable fear of physical harm or which harasses, bullies, or intimidates any person. For conduct of a sex-based, gender-based, or sexual nature, see Section 3.

2.1.6. Any public exposure, which includes deliberately and publicly exposing one's intimate body parts, public urination, defecation, and public sex acts.

2.2. Bias-Based Interference with Educational or Employment Opportunities

Conduct that is directed at an individual or group of individuals on the basis of their actual or perceived race, national or ethnic origin, color, religion, sex or gender (including pregnancy, sexual orientation, gender expression, and gender identity), age, disability, genetic information, military service or any other characteristic or class protected under applicable federal, state or local law that causes an interference with the affected person or group's educational or employment opportunities (see Section 1.2, *Statement on Respect for Persons*).

2.3. Disruption of College Function

Disruption or obstruction of teaching, research, administration, student adjudication proceedings, or other College activities or disruption or interference with the exercise by members of the College community of their rights under Section 1.3, *Statement of Freedom of Expression and Dissent*.

2.4. Intellectual Responsibility

Amherst College considers it a violation of the requirements of intellectual responsibility to submit work that is not one's own or otherwise to subvert the conditions under which academic work is performed by oneself or by others.

Violations of intellectual responsibility include, but are not limited to, academic dishonesty, including the fabrication, falsification, or forgery of academic work; cheating; plagiarism, including ghostwritten or contracted work; or the facilitation of intellectual responsibility violations (see Note 1 of the Interim Community Standards Adjudication Process).

2.5. Reasonable Request Compliance

Failure to comply with a reasonable request by an official or agent of the College (i.e., requested meetings with staff or faculty, instructions from the Amherst College Police Department, etc.).

2.6. False Testimony

All participants in College adjudications are required to be truthful.

2.7. Testimony in the College Adjudication Processes

2.7.1. Adjudications will proceed even without the participation of the Complainant or Respondent, provided sufficient notice of hearing has been issued and the absence is not due to an emergency or other valid reason.

2.7.2. Complainants and Respondents who agree to participate in a hearing may decline to answer questions with the understanding that they will be adjudicated based on available information.

2.7.3. Witnesses in a Community Standards Adjudication Process who are also Amherst College students are required to participate when called to testify and required to respond to the questions asked of them by the Respondent, an administrator, or the respective adjudication panel.

2.7.4. Witnesses in a Title IX Adjudication Process who provide statements to the Investigator are expected to participate in the hearing on the matter. The Title IX Coordinator, or designee, will notify all witnesses of the date, time, and location of the hearing and offer each witness an opportunity to meet to discuss the Title IX Grievance Process.

2.8. Abuse of College Equipment and Facilities

2.8.1. Abuse or destruction of buildings, equipment, or property belonging to the College.

2.8.2. Disregard for the rules governing the use of or access to College facilities and services for which specific restrictions have been established and made public.

2.9. Use of Computers and Networks

Theft or other abuse of College computing facilities and networks, including, but not limited to:

2.9.1. Unauthorized entry into a file, to use, read, or change the contents, or for any other purpose.

2.9.2. Unauthorized transfer of a file.

2.9.3. Use of another individual's identification and password, regardless of whether permission was granted by the holder of the account.

2.9.4. Use of computer facilities or networks to interfere with the work of another student, faculty member, or College official.

2.9.5. Use of computing facilities or networks to send obscene or abusive messages.

2.9.6. Use of networks or computing facilities to interfere with normal operation of the College computing system.

2.10. Vandalism

Causing physical damage to the buildings, furnishings, or other property of another person or the College (see also Section 7, *Residential and Community Life* and Section 9, *Fire and Life Safety*).

2.11. Theft

Theft or attempted theft of personal or College property, including intellectual property. Theft includes a student who accesses or attempts to access privileges or services to which the student is not entitled.

2.12. Weapons, Explosives, Ammunition

Possession, use, or distribution of firearms, ammunition, explosives, or other weapons (see Section 9.0, *Fire and Life Safety*, and Section 23, *Weapons Policy*).

2.13. Alcohol and other Drugs (see Section 4, *Alcohol and other Drugs*)

2.13.1. The cultivation, manufacture, storage, transportation, possession, use, abuse, distribution, sale, or trade of illegal drugs, as well as substances that are generally recognized as dangerous and detrimental to the individual and community, even though they may not be illegal (including, but not limited to, whippits, NBOME, synthetic cannabinoids, non-prescribed performance-enhancing drugs, etc.).

Possession requires that a person is: 1) in control of a substance, or 2) can access the substance without impediment, and 3) knows where and how to access it (such as in a drawer, closet, or other containing structure).

2.13.2. The unlawful distribution, possession, social sharing, non-prescribed use or abuse of prescription drugs.

2.13.3. The unlawful possession, use, abuse, purchase, promotion, manufacture, or distribution of alcohol or other legal drugs.

2.13.4. The possession of alcohol paraphernalia or other drug paraphernalia (see Section 4.3).

2.14. Fraud

2.14.1. Altering, forging, or contributing to fraudulent use of College documents, identification (IDs), or other official, non-College records.

2.14.2. Altering or forging the signature of any College official on a College document or other official, non-College records.

2.14.3. Use of another person's College identification card, regardless of whether permission was granted. This subsection does not preclude students from assisting another student from obtaining sick meals (see <https://www.amherst.edu/campuslife/housing-dining/dining/about-ac-dining/faq>).

2.14.4. Knowingly providing false, inaccurate, or misleading information to a College official.

2.15. Self-Identification

Knowingly giving false information, refusing to identify oneself, or refusing to present College identification to Amherst College Police or to other authorized College personnel.

2.16. Motor Vehicle Use

2.16.1. Inappropriate operation of a motor vehicle on campus, including while intoxicated (see Section 10, *Traffic and Parking*).

2.16.2. Inappropriate use or operation of College-owned vehicles, whether on- or off-campus.

2.17. Fire and Life Safety

Fire and life safety policy violations (see Section 9, *Fire and Life Safety*).

2.18. Hazing

Violation of the Commonwealth of Massachusetts law or Amherst College policy prohibiting the practice of hazing (see Section 5, *Hazing*).

2.19. Fraternity Policy

Violation of fraternity policies (see Section 6, *Fraternities*).

2.20. Residential and Community Life

Violation of any regulations governing the use of College housing, as specified in Section 7, *Residential and Community Life* and Section 9, *Fire and Life Safety*.

2.21. Trespass

Knowingly accessing College buildings, portions of buildings, construction sites, restricted-access equipment or vehicles, or other restricted locales or structures where the restrictions are locally posted or have been made public (see Sections 9.34, *Confined Spaces and Tunnels*, 9.39, *Roof and Porch Access*).

2.22. Surreptitious or Unauthorized Observable Recording of Others

2.22.1. Audio and/or video recording of classes without advance approval from the instructor or as part of an approved disability accommodation.

2.22.2. Any other audio and/or video recording of any individual without that individual's knowledge or permission (see *MA General Law Part 4, Title I, Chapter 272, Section 99*).

2.22.3. The distribution of any recording without permission.

2.23. Drones & Model Aircraft Policy

Violations of the Unmanned Aerial Systems ("Drones") & Model Aircraft Policy (see Section 24).

2.24. Posting Policy

Violations of the Posting Policy (see Section 25, *Posting Policy*).

2.25. Violations of College Policy

Conduct that violates policies, rules, and procedures posted by College departments and offices that may not also be included in this code.

2.26. Violations of Law

Conduct that violates local, state, federal, or otherwise applicable laws, statutes, regulations, codes, or ordinances, domestically or internationally. When an offense occurs over which the College has jurisdiction, the College's Conflict Resolution Processes will usually go forward notwithstanding any criminal complaint that may arise from the same incident.

2.27. Complicity or Facilitation

2.27.1. Complicity with, facilitation of, or failure of any student to appropriately address known or obvious violations of the *Student Code of Conduct* or law.

2.27.2. Complicity with, facilitation of, or failure of any student group to appropriately address known or obvious violations of the *Student Code of Conduct* or law by its members.

2.28. Retaliation

Adverse action or threatened action taken or made, personally or through a Third-Party, against someone who has reported alleged violations of the Code, or has been the subject of a report, or any other individual (e.g., an adjudicator, witness, or advisor) because they engaged with an established disciplinary process. Retaliation does not apply to reports made or information provided in good faith, even if the facts alleged in the report are determined not to be accurate. Some examples of retaliatory behavior can include, direct or indirect, coercion, harassment, intimidation, threats, interference, or improper influence of another.

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