

# STUDENT CODE OF CONDUCT



School of Arts and Sciences  
School of Engineering

**Contact:**

Office of Community Standards

Monday-Friday, 9 a.m. - 5 p.m.

Dowling Hall Room 701

419 Boston Ave.

Medford, MA 02155

[deanofstudentaffairs@ase.tufts.edu](mailto:deanofstudentaffairs@ase.tufts.edu)

617-627-3158

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# I. INTRODUCTION

Tufts is a student-centered research University dedicated to the creation and application of knowledge. We are committed to providing transformative experiences for students and faculty in an inclusive and collaborative environment where creative scholars generate bold ideas, innovate in the face of complex challenges and distinguish themselves as active citizens of the world.

In order to accomplish our mission, Tufts seeks to create an environment that enables transformative intellectual, social, and personal development. Tufts strives to foster this environment both in and outside of the classroom, on and off campus, as well as online. Healthy maintenance of this environment requires a common set of behavioral expectations and the responsible participation of all students, faculty, and staff.

The Code of Conduct describes the standards of behavior that support our educational mission and the process for holding each other accountable to these standards. Our expectations are rigorous because our shared purpose compels us to act with integrity, self-discipline, and respect for ourselves and others

Tufts students are expected to be responsible citizens of the academy and of the larger communities of which we are all members, exercising good judgment and ethical behavior in their academic and personal pursuits. Students are expected to comply with all University policies, all Massachusetts and federal laws, and the municipal ordinances of the cities in which we live, study, and work.

Each student is responsible for reading and understanding the University's expectations which are documented in the Code of Conduct and other University policies. By enrolling at Tufts, students voluntarily agree to comply with the standards of performance and behavior that are described in the Code of Conduct and other University policies.





# II. APPLICABILITY

Tufts students are responsible to the University for their conduct from the time they accept an offer of admission until they graduate or permanently withdraw. This Code of Conduct and all University policies apply to all undergraduate, graduate, and special students in the School of Arts and Sciences, including the School of the Museum of Fine Arts, and the School of Engineering. The Code of Conduct and other policies apply throughout a student's entire academic affiliation with Tufts, including regular academic terms; during academic breaks, like the summer or winter break; and while students are on personal, medical, or other leave. The Code of Conduct and all policies apply to behavior that occurs on any of Tufts' campuses, off campus, and online; and applies to students who are cross-registered at other universities or who are studying abroad. They also apply to all non-matriculated students enrolled in Tufts courses.

The Code of Conduct and other University policies also apply to all student organizations registered with, recognized by, or affiliated with the Tufts Community Union, Office for Campus Life, Office of Fraternity and Sorority Life, Office of Residential Life and Learning, School of Arts and Sciences, School of Engineering, or School of the Museum of Fine Arts; club sports teams and intramural teams recognized by the Athletics Department; and other Tufts student organizations designated by the Dean of Student Affairs.

In the event of serious misconduct allegedly committed while the accused student was still enrolled but reported after the accused student has graduated, the University may use the Student Conduct Resolution Procedures to resolve and address the allegations. Should the former student be found responsible, the University may revoke that student's degree.

In some instances, an action that violates Tufts policy may also violate local, state, or federal law. Such violations of law may be pursued in civil or criminal court simultaneous with and separate from the resolution of a complaint within the University. A pending legal action usually shall not delay University action, nor shall the outcome of a civil or criminal case determine the outcome of University proceeding.

## A. ATTEMPTED POLICY VIOLATIONS

Students and student organizations may be held responsible for attempted violations of University policy, even if the student is prevented from or otherwise does not complete the act of misconduct. Such attempted misconduct may be sanctioned to the same extent as completed misconduct.

## B. INTERPRETATION AND REVISION

The Dean of Student Affairs determines the applicability of these policies and their interpretation. Policies regarding student behavior are updated regularly by the Dean of Student Affairs Office with recommendation from the Committee on Student Life. The most updated version is published online and free printed copies are available in the Dean of Student Affairs Office (Dowling Hall, suite 701).

## C. ALLEGATIONS OF SEXUAL MISCONDUCT OR NON-DISCRIMINATION POLICY VIOLATIONS

Because of the very personal nature of sexual misconduct and other forms of discrimination, the Office of Equal Opportunity (OEO) investigates and resolves all such allegations in accordance with the university-wide Sexual Misconduct Policy, the Non-Discrimination Policy, and the Relationships with Students Policy. The Non-Discrimination Policy is available online, and the Sexual Misconduct Policy is available online. The Sexual Misconduct Adjudication Process (SMAP) is available online.





# III. STANDARDS OF THE TUFTS COMMUNITY

Tufts University is an academic community where students pursue transformative intellectual growth and personal development for the purpose of improving the world.

The pursuit of these goals is a collaborative enterprise in which students, faculty, and staff must rely upon one another. Participation in this community thus requires a high degree of personal responsibility, sincerity of purpose, and community orientation.

Accordingly, all Tufts students are called to uphold the following community standards, and in so doing, learn and practice the habits that are essential for intellectual development and positive membership in an open society.



## **INTEGRITY**

Tufts University students manifest honesty and respect for the truth in all of their interactions. As emerging or experienced scholars, Tufts students seek the truth in their work and maintain the highest personal and academic standards of integrity.

## **COMMUNITY**

Tufts University students build and enhance their community and demonstrate positive participation in an open society. Tufts, as both an academic and social community, is committed to inclusiveness and fostering collaboration.

## **RESPECT**

Tufts University students demonstrate respect for themselves, for each other, and for the entire community. Respect includes promoting safety of all people and property. It also includes respecting the privacy and autonomy of all community members. In both the intellectual and social community, respect transcends disagreement to promote learning and understanding.

## **SOCIAL JUSTICE**

Tufts University students work to make communities they are a part of more socially just. Tufts students seek to interact with and understand people who are different from themselves. Tufts students understand and appreciate how their decisions and actions impact others and are just and equitable in their treatment of all members of the community.

## **RESPONSIBILITY**

Tufts University students accept responsibility for their learning, personal behavior, and future success and appropriately challenge others to do the same. Tufts students also accept their responsibility to participate positively in society and contribute to the common good.



## A. NON-DISCRIMINATION STATEMENT

Tufts does not discriminate in its educational programs or activities on the basis of race, color, national or ethnic origin, ancestry, age, religion or religious creed, disability or handicap, sex or gender (including pregnancy, sexual harassment and other sexual misconduct including acts of sexual violence such as rape, sexual assault, sexual exploitation and coercion), gender identity and/or expression (including a transgender identity), sexual orientation, military or veteran status, genetic information, or any other characteristic protected under applicable federal, state or local law.

Retaliation is also prohibited. Tufts will comply with state and federal laws such as M.G.L. c. 151B, Title IX, Title VI and Title VII of the Civil Rights Act, the Americans with Disabilities Act, Section 503 and 504 of the Rehabilitation Act of 1973, the Age Discrimination in Employment Act, the Vietnam Era Veterans Readjustment and Rights Act, Executive Order 11246 and other similar laws that prohibit discrimination, all as amended. Tufts is an equal employment opportunity/ affirmative action employer. More detailed Tufts policies and procedures on this topic may be found online.

Unlawful discrimination has no place at Tufts University and offends the University's core values including a commitment to equal opportunity and inclusion. All Tufts employees, faculty members, students and community members are expected to join with and uphold this commitment.

Any member of the Tufts University community has the right to raise concerns or make a complaint regarding discrimination (including sexual misconduct) under this policy without fear of retaliation. Any and all inquiries regarding the application of this statement and related policies may be referred to: Jill Zellmer, MSW, Executive Director of the Office of Equal Opportunity, Title IX and 504 Coordinator, at 617-627-3298 at 196 Boston Avenue, 4th floor, Medford, MA or at [Jill.Zellmer@tufts.edu](mailto:Jill.Zellmer@tufts.edu).

Anonymous complaints may also be made by reporting online.





# IV. POLICIES REGARDING STUDENT BEHAVIOR

In order to further the standards of the Tufts community, the University has enacted policies regarding student behavior. Students are required to follow all policies listed in this section.

## A. Abetting Violations of University Policy

Abetting another in violations of University policy is prohibited. Abetting is knowingly facilitating the misconduct of another directly through action or indirectly through instruction or advice.

## B. Academic Integrity

### *Statement on Academic Integrity*

When students matriculate at Tufts University, they join a community of learners, artists, researchers, and scholars dedicated to the discovery of knowledge and the creation of artistic expression. Just as membership in Tufts' academic community confers great privileges, so too does it demand serious responsibilities. The responsibility for full and proper citation and attribution underscores that current intellectual and artistic endeavors rely on the work of a far broader community comprised of intellectual and artistic predecessors in other nations, cultures, and time periods. In addition, members of the university community should pursue the attainment and advancement of knowledge with integrity and use transparent, principled, and ethical practices.

Academic integrity is the joint responsibility of faculty, students, and staff. Each member of the community is responsible for integrity in their own behavior and for contributing to an over all environment of integrity at the university.

### *Faculty Responsibilities*

Faculty members and other instructors are responsible for creating an atmosphere of integrity and honesty in their courses, in their research, and in their other academic interactions. This is accomplished by:

1. Clearly defining expectations in course syllabi;
2. Communicating any course- or discipline-specific scholarly procedures to students;
3. Engaging students in robust ways; and
4. Reporting concerns about academic misconduct each time such concerns are known.

### *Student Responsibilities*

Students are responsible for creating an atmosphere of integrity and honesty in all assignments, class discussions, research conducted, and other academic work. This is accomplished by:

1. Learning and using proper scholarly procedures;
2. Scrupulously following directions and asking for clarification when needed; and
3. Engaging with course material fully and meeting the spirit of the assignment.

Academic misconduct is inimical to academic integrity and violates a core value of Tufts University. Accordingly, faculty and students are prohibited from engaging in academic misconduct. Academic misconduct includes cheating, plagiarism, inappropriate collaboration, academic dishonesty, research misconduct, and facilitating the academic misconduct of another.

Academic misconduct can occur with the intent to deceive or by disregarding proper scholarly procedures.

### *Academic Misconduct Policy*

Academic misconduct is prohibited. Academic misconduct includes cheating, plagiarism, inappropriate collaboration, academic dishonesty, research misconduct, and facilitating the academic misconduct of another. Academic misconduct can occur with the intent to deceive or by disregarding proper scholarly procedures. Students are responsible for knowing and using proper scholarly procedures. Faculty are responsible for communicating any course-specific scholarly procedures. Intention to deceive may be assessed by the scope and context of the violation. Disregard of proper scholarly procedure is a violation of this policy. Minor or accidental instances of failing to follow for proper scholarly procedure may be addressed with the academic setting. Faculty members are required to report all suspected academic misconduct.

**Cheating** is giving or receiving unauthorized assistance of any kind on academic work; having available, accessing, or using unauthorized devices or material during exams or other academic work; or failing to follow any instructions related to academic integrity provided by a course instructor, member of the faculty, or other University official.



**Plagiarism** is the use of another's published or unpublished ideas or work without full and clear attribution. Plagiarism applies to published or unpublished work or concepts whether or not in direct quotation or paraphrase. This includes use of text, musical composition, computer code, artwork, audio or visual recordings, data displays, or other intellectual work without full and clear attribution. Self-plagiarism, defined as submitting previously completed academic work as though it is an original creation for a particular course or other academic endeavor without instructor permission, is also prohibited.

**Collaboration** is valued at Tufts. Collaboration implies all parties actively participate in the academic endeavor. There are, however, aspects of the academic enterprise which require individual contribution. Appropriate collaboration within a given course should be clearly defined by the course instructor. If you have any questions about what constitutes acceptable or unacceptable collaboration ask your course instructor prior to engaging with others in a collaborative effort. **Inappropriate collaboration** occurs when students collaborate on academic work beyond the limits specified by the instructor.

**Academic dishonesty** is communicating falsehoods or misrepresentations related to any academic work, any academic policy, or any representation made to others about your contributions or career. Academic dishonesty can occur inside or outside of a particular course, and includes misrepresentations on resumes and applications.

**Research misconduct** is the fabrication, falsification or plagiarism in proposing, performing, or reviewing research, or in reporting research results. Honest error and difference of opinion do not constitute research misconduct.\*

**Fabrication** is making up data or results and recording or reporting them. Falsification is manipulating research materials, equipment, or processes, or changing or omitting data or results such that the research is not accurately represented in the research record.

**Facilitating academic misconduct** is taking any action that a person knows or reasonably should know assists another person in violating the academic misconduct policy. This includes providing past assignments to others, providing or selling class materials to websites that sell such materials to students, and participating in the sale of academic material to other students.

\*Excerpt from the Scientific Integrity in Research Policy, Tufts Office of the Vice Provost for Research. The OVPR policy was adapted from the definition of research misconduct used by the Office of Research Integrity, U.S. Department of Health and Human Services.

## C. Alcohol and Other Drugs

Tufts students are responsible for conducting themselves safely, responsibly, and legally regarding the use, possession, sale, or distribution of alcohol and other drugs. Tufts requires students to follow state and federal laws related to alcohol and drug use; failure to follow the law is a violation of this policy. See Section VIII: Appendix to learn more about the health impacts of alcohol and drugs and federal and state law regarding alcohol and drugs. This policy is designed to promote student safety and create useful social guidance for a campus environment where most students are under the legal age for alcohol and adult marijuana use, and where the use of marijuana remains prohibited under federal law.

### 1. Alcohol Policy

Students under the age of 21 are prohibited from possessing or consuming alcohol. Students are prohibited from using false identification or making false statements in order to obtain alcohol.

All students are prohibited from engaging in dangerous, illegal, and inappropriate behaviors that result from the use of alcohol, including but not limited to driving while under the influence of alcohol; public intoxication; vandalism; behaviors that require an intervention by University officials or cause a disturbance; and behaviors that pose a risk to safety of self or others or endanger property.

No student or student organization may provide alcohol to individuals under the legal drinking age. No student, regardless of age, may possess or carry open containers of alcohol in public or in open campus areas. Open areas of campus are any areas accessible to more than ten people or that a reasonable objective person would judge to be open spaces; open areas include residential hall lounges and hallways, outdoor space, classrooms, and other non-residential campus buildings. Residence hall assigned suites or living rooms are private spaces for the students who live there and their invited guests, thus they are not considered open campus areas.

Drinking games or other activities involving rapid and/or excessive consumption of alcohol on campus or in University-approved housing are prohibited. Bulk alcohol dispensing sources (e.g., kegs, punch bowls, coolers, or garbage cans) are prohibited except at registered social events following the Social Event Policies; no student may consume alcohol from such a bulk source.

### *Events with Alcohol*

Any large gathering (typically over 25 guests) where alcohol is present must be registered by the hosting students or student organization. Students and student organizations holding registered social events are required to follow the social event policies. The social event policies are designed to promote safe events for community members and help students and student organizations mitigate the risks of hosting an event.

## **2. Adult-Use Marijuana**

Although the Commonwealth of Massachusetts has legalized adult use of marijuana by people at or over the age of 21 with certain restrictions, Tufts must follow federal law, which prohibits the possession and use of marijuana. In order to remain eligible for federal funding, including student financial aid, Tufts must comply with the Drug-Free Schools and Communities Act.

Tufts prohibits the use, sale, growing, manufacturing, distribution, possession, or facilitation of the use of marijuana, products containing tetrahydrocannabinol (THC, the primary active ingredient of marijuana), and products that contain other substances designed to create a similar effect as marijuana or THC upon the user. This prohibition applies on campus, in fraternities or sororities, and as part of any Tufts-sponsored activities off campus.

Tufts prohibits the selling and distribution of marijuana, regardless of location or age. Tufts prohibits driving while under the influence of marijuana, regardless of location or age.

## **3. Medical Marijuana**

Because the federal Drug-Free Schools and Communities Act applies to the use of medical marijuana, Tufts prohibits the use, possession, or distribution of marijuana, including for medicinal purposes, on campus, in all fraternities and sororities, and as part of any Tufts-sponsored activities. This prohibition applies even if the Massachusetts Department of Public Health (DPH) has issued a Medical Marijuana Registry identification card to an individual, authorizing that individual to possess and use marijuana for medicinal purposes.



Students who obtain a registration card from the Massachusetts Department of Public Health may submit a letter to the Dean of Student Affairs Office requesting to be released from their University housing and dining contract. In such situations, students will be released from their contracts with no financial penalty. Any payments made to the University for dining services or housing facilities will be returned to the student in proportion to the remainder of their time on a University meal plan or in University residence halls.

#### **4. Prohibited Substances**

Students and student organizations, regardless of age or location, are prohibited from possessing, using, selling, growing, manufacturing, and facilitating the use of illegal drugs, controlled substances, and other illegal substances, as well as substances that are used to impair, even though they may not be illegal.

Tufts prohibits the unlawful distribution, possession, social sharing, non-prescribed use, or abuse of prescription drugs. Altering, tampering, or forging a prescription is prohibited.

Tufts prohibits driving while under the influence of prohibited substances, regardless of location or age. Tufts also prohibits the possession of drug paraphernalia.

#### **5. Amnesty Through Responsible Action**

As members of the Tufts community, students are expected to treat one another with respect and care. In a situation where students seek medical attention for an alcohol or drug-related medical emergency, Tufts will treat the intoxicated students' use of alcohol or prohibited substances as a health and safety matter, not as a disciplinary incident. This policy, which is intended to reduce barriers to getting help, extends not only to the student receiving medical attention, but also to the student(s) who call for help. Students are expected to actively seek help, stay with the intoxicated student until help arrives, cooperate with the emergency personnel and/or responding staff, and cooperate with any follow-up from the Dean of Student Affairs Office.

Students who report that they witnessed or are the victim of a crime or a significant violation of Tufts policy (e.g., sexual misconduct, hazing), even though they may have been under the influence of alcohol or prohibited substances at the time of the incident, will also be covered under Amnesty Through Responsible Action.

Students who are alleged to have violated other Tufts policies are not entitled to amnesty for their non-alcohol or drug-related misconduct.

When a student has violated the alcohol and other drugs policy but is excused from disciplinary action by the Amnesty Through Responsible Action provision, the student will be required to complete follow-up substance abuse screening, assessment, or treatment as appropriate and educational requirements. However, no disciplinary findings or records will be created and no disciplinary action will be taken. When a student organization has violated the alcohol and other drugs policy but is excused from disciplinary action by the Amnesty Through Responsible Action provision, the organization may be required to notify its advisor, provide a substance abuse screening or assessment or educational program for its members, and/or change its processes for hosting events. However, no disciplinary findings or records will be created and no disciplinary action will be taken.

There are limitations to this policy and requests for amnesty are not guaranteed. Amnesty Through Responsible Action only applies to violations of policies relating to the use of alcohol and prohibited substances, and therefore does not preclude Tufts from taking disciplinary actions to address other serious or flagrant violations of Tufts policy including, but not limited to, violence, sexual assault, harassment, serious property damage, hazing, or the manufacture, sale, or distribution of prohibited substances. It also cannot preclude or prevent action by police or other legal authorities.

## **6. Required Action in Alcohol or Other Drug Related Medical Emergencies**

Members of the Tufts community are responsible for summoning emergency medical services (by contacting 911, the Tufts University Police, or the appropriate official) to obtain assistance and evaluation for any person who is in their room or immediate presence and is, or is suspected to be, under the influence of alcohol or other prohibited substances, when that person's well-being and safety is known to be or reasonably should be known to be in jeopardy. When an individual knows, or reasonably should know, that another person is in jeopardy, failing to summon emergency medical services when it was reasonably safe to do so or actively preventing the aid of emergency medical services shall be considered a serious violation of this policy.

## D. Disorderly Conduct

Tufts prohibits disorderly conduct. Disorderly conduct is defined as any unreasonable or reckless conduct by an individual or group that is inherently or potentially unsafe to other persons or property and/or conduct that interferes with the University's normal business operations.

## E. Disruption or Obstruction of Community Activity

The Dean of Student Affairs determines the applicability of these policies and their interpretation. Policies regarding student behavior are updated regularly by the Dean of Student Affairs Office with recommendation from the Committee on Student Life. The most updated version is published online and free printed copies are available in the Dean of Student Affairs Office (Dowling Hall, suite 701).

## F. Disruption of Community Well-being

Tufts expects that members of its community will not engage in behavior that compromises or has serious negative effects on their physical and mental health, safety, academic progress, or professional responsibilities, or that of others. In situations where student's physical illness or emotional difficulties effect not only the student but others in the community, the University will consider the well-being of the community as well as the well-being of the student when making decisions.

## G. Failure to Comply with a University Official

Students are required to comply with the directives of University officials and emergency responders during the performance of their duties.

## G. Fire Safety, Life Safety Equipment, and Residence Hall Security Devices

Tufts prohibits failing to evacuate during a fire alarm or drill; starting an uncontrolled fire; or purposely issuing an alarm in the absence of fire or safety concerns.

The use of fire or flames on properties subject to Tufts University control is allowed for indoor cooking, outdoor cooking permitted via a Tufts University Barbecue Permit, laboratory usage of open flame devices, approved use of ceramic kilns or welding equipment in the appropriate SMFA facilities, ceremonial candles allowed (per Code) in religion-affiliated venues, and university authorized outdoor ceremonies utilizing candles. Any usage of fire or flames not listed herein, on properties controlled by Tufts University must comply with applicable public Codes and laws and Tufts University Fire Safety policies and with documental approval by the Tufts University Department of Public and Environmental Safety.

Tufts also prohibits tampering with or misusing life safety equipment and building security features including fire extinguishers, fire alarms, fire protection sprinklers, or smoke detectors, Automatic External Defibrillators (AEDs), video monitoring equipment, blue light phones, window security screens, intrusion detection alarms, and duress alarms.

## I. Gambling

Tufts prohibits illegal gambling. Students are expected to follow Massachusetts laws, which prohibit some forms of gambling. Information about Massachusetts gambling laws can be found online.

## J. Gatherings, Protests, and Demonstrations

Active citizenship, including exercising free speech and engaging in protests, gatherings, and demonstrations, is a vital part of the Tufts community. See Trustee Statement on Freedom of Expression policy in Paragraph H of Section X: Appendix.

Students engaging in protests, gatherings, and demonstrations are expected to conduct themselves in accordance with all applicable Tufts policies, safety requirements and laws. Relevant Tufts policies include, but are not limited to, the following parts of the Student Code of Conduct:

- Disruption or obstruction of community activity
- Unauthorized access
- Disorderly conduct
- Property damage and vandalism



Students are encouraged to contact the Dean of Student Affairs Office with questions about how these policies (which apply to all Tufts activities and community members), may apply to a specific gathering, protest, or demonstration.

**Logistical Support.** Protests and demonstrations on campus are exempt from the event registration process that is otherwise required of all student events. Nevertheless, students are invited and encouraged to register their planned protests and demonstrations with the Office for Campus Life (OCL) so that the university can provide event and logistical support. OCL staff do not review or approve the content of the event, nor do they authorize or deny any registrations. OCL can assist with logistics like obtaining relevant permits from municipal authorities (e.g., permits may be required to close public streets for marches), finding appropriate space and overflow space (e.g., accounting for room/building occupancy limits), supporting a group's audio-visual needs and making any safety or security arrangements that are needed for the event. Details of the event registration process and the form students or student organizations may use to register an event are available online.

**Time, place and manner restrictions.** All events on campus -- including protests, gatherings, and demonstrations -- are subject to reasonable time, place, and manner restrictions. For example, events that use amplified sound or cause loud noise are prohibited within hearing distance of residential facilities between midnight and 8 a.m. throughout the year and for longer times during reading period and final examination week each term. Details of such time, place, and manner restrictions are provided by the Office of Campus Life.

Certain large campus events have additional restrictions to ensure safety for participants and others in the community. For any campus event with over 25 attendees, the following additional restrictions apply:

1. Open flames (e.g., torches, fire pits, etc.) are prohibited from all indoor and outdoor spaces, unless the student or student organization has approval from the Department of Public and Environmental Safety, as specified in Section IV (H).
2. Wearing masks, bandanas, or other material to cover a person's face in order to conceal their identity is prohibited, unless there is a declared public health emergency which requires the wearing of masks to prevent the spread of disease or the student or student organization has approval from the Department of Public and Environmental Safety.
3. Possession of sticks, clubs, bats, and other objects that may be used as a weapon is prohibited, unless the student or student organization has approval from the Department of Public and Environmental Safety.

Students who require a religious exemption to the any of these three restrictions should refer to the Religious Accommodation Policy, available online.

Failure to follow the policies and restrictions outlined above constitute a violation of this policy.

## K. Harassment

Under Massachusetts law, stalking and cyber-stalking are prohibited felonious acts. Stalking includes a willful, malicious, and knowing pattern of conduct or acts over a period of time directed at a specific person that seriously alarms or annoys the person and that causes a reasonable person to suffer substantial emotional distress and makes a threat with the intent to place the person in imminent fear of death or bodily injury. Stalking can be accomplished by mail, telephone, electronic mail, Internet communications, and facsimile. Conduct that does not include a threat of death or bodily injury is also illegal and considered criminal harassment.

The Tufts University Sexual Misconduct Policy has a higher standard which governs our community related to physical stalking and cyberstalking. The Office of Equal Opportunity's Sexual Misconduct policy defines stalking as persistent, unwanted or unwelcome and repeated course of conduct that would cause a reasonable person to become fearful for the person's safety or the safety of another, or suffer substantial emotional distress. There does not need to be a threat or intent to harm another person according to the definition of stalking as defined in the Sexual Misconduct policy. For more information about this and for examples of stalking conduct please see Section E of the sexual misconduct policy, which is available online.

Tufts University Police, the Office of Equal Opportunity, and the Office of the Dean of Student Affairs can explain the options for pursuing court proceedings or internal disciplinary action for stalking and other forms of sexual misconduct.

## L. Hate Crimes and Bias-Motivated Violations

Any violation of university policy that was motivated in whole or in part by the offender's bias against the victim's perceived or actual race, color, national or ethnic origin, age, religion, disability, sex, sexual orientation, gender, gender identity and expression including a transgender identity, genetics, veteran status, and any other characteristic protected under applicable federal or state law, is considered a bias-motivated violation. A bias-motivated violation is not a separate policy violation but is the violation of another policy that was motivated by the offender's bias. In cases where there is a bias-motivated violation, the conduct officer or hearing panel will take the bias motivation into consideration when sanctioning.

In some instances, a bias-motivation will also constitute a violation of the non-discrimination policy. In cases where there is a non-discrimination policy violation and referral from OEO, the conduct officer or hearing panel will accept the policy violation documentation from OEO, including any bias-motivated violation, into consideration when sanctioning.

## M. Hazing

Tufts prohibits hazing. Hazing is any activity that humiliates, degrades, or endangers the mental or physical health of someone because that person is joining or continuing membership in a group, team, or organization. Hazing is prohibited regardless of the person's willingness to participate in the activity.

Hazing includes all behaviors that violate Massachusetts General Laws Chapter 269, Sections 17-19 (reproduced in their entirety below).

Endangering mental health is defined as sleep deprivation, extended isolation, public degradation, intimidation, creation of artificial and excessive stress, public nudity, and other comparable behaviors that are reasonably likely to or do cause a significant degree of distress, humiliation, anguish, or interference with academic, professional, or personal pursuits.

Apathy or acquiescence in the presence of hazing are not neutral acts and constitute hazing as prohibited by this policy. Students and other members of the University community are required to report incidents of hazing that they witness or for which they were present. Incidents of hazing shall be reported to Tufts University Police and the Dean of Student Affairs Office. Failure to report incidents of hazing is a violation of this policy and, in some cases, is a violation of Massachusetts law (M.G.L. c. 269 Section 18).

Any retaliation or threats to retaliate against any person who reports, is a witness to, is involved with, or cooperates with the investigation of hazing is strictly prohibited.

All groups, teams, and organizations are required to provide annual notice to all members about the University's hazing policy and state hazing law, and to certify that they have done so to the Office for Campus Life, Office of Fraternity and Sorority Life, or Dean of Student Affairs Office by established deadlines annually.



Research on hazing suggests the behavior exists on a spectrum ranging from intimidation to harassment to violent hazing. Prohibited forms of hazing include but are not limited to:

1. *Intimidation Hazing*: Behaviors that emphasize a power imbalance between new members and other members of the group or community. This is termed “intimidation hazing” because these types of hazing are often taken for granted or accepted as “harmless” or meaningless. Intimidation hazing typically involves activities or attitudes that breach reasonable standards of mutual respect and place new members on the receiving end of ridicule, embarrassment, and/or humiliation tactics. Members often feel the need to endure intimidation hazing to feel like part of the group or community.

Examples of intimidation hazing include but are not limited to:

- Deception
- Silence periods
- Deprivation of privileges
- Social isolation
- Name calling
- Assignment of duties not assigned to other members

2. *Harassment Hazing*: Behaviors that cause emotional anguish or physical discomfort in order to feel like part of the group. Harassment hazing often confuses, frustrates, and causes undue stress.

Examples of harassment hazing include but are not limited to:

- Verbal abuse
- Threats or implied threats
- Sexual simulations
- Requiring situationally inappropriate attire
- Sleep deprivation

3. *Violent Hazing*: Behaviors that do or could cause physical or psychological harm. Examples of violent hazing include but are not limited to:

- Placing students in the shower against their will
- Forced or coerced alcohol or other drug consumption
- Forced or coerced sexual acts
- Beating
- Paddling, or other forms of assault
- Forced or coerced ingestion of vile substances
- Bondage
- Kidnapping
- Expected participation in illegal activity

The sanction of disciplinary suspension or disciplinary expulsion will be strongly considered for students and student organization found responsible for harassment and violent hazing and for situations where respondents use deception or collude with others to obstruct a hazing investigation.

#### **Massachusetts Law on Hazing**

Massachusetts General Law 269, Sections 17, 18, and 19 prohibits hazing and imposes criminal penalties not only on those who organize and carry out hazing, but also on those who are present at the hazing and fail to report it:

##### *Massachusetts General Law 269*

*Section 17* Whoever is a principal organizer or participant in the crime of hazing, as defined herein, shall be punished by a fine of not more than three thousand dollars or by imprisonment in a house of correction for not more than one year, or both such fine and imprisonment.

The term “hazing” as used in this section and in sections eighteen and nineteen, shall mean 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. Such conduct shall include whipping, beating, branding, forced calisthenics, exposure to the weather, forced consumption of any food, liquor, beverage, drug or other substance, or any other brutal treatment or forced physical activity which is likely to adversely affect the physical health or safety of any such student or other person, or which subjects such student or other person to extreme mental stress, including extended deprivation of sleep or rest or extended isolation.

Notwithstanding any other provisions of this section to the contrary, consent shall not be available as a defense to any prosecution under this action.

*Section 18* Whoever knows that another person is the victim of hazing as defined in section seventeen and is at the scene of such crime shall, to the extent that such person can do so without danger or peril to himself or others, report such crime to an appropriate law enforcement official as soon as reasonably practicable. Whoever fails to report such crime shall be punished by a fine of not more than one thousand dollars.

Section 19 Each institution of secondary education and each public and private institution of post secondary education shall issue to every student group, student team or student organization which is part of such institution or is recognized by the institution or permitted by the institution to use its name or facilities or is known by the institution to exist as an unaffiliated student group, student team or student organization, a copy of this section and sections seventeen and eighteen; provided, however, that an institution's compliance with this section's requirements that an institution issue copies of this section and sections seventeen and eighteen to unaffiliated student groups, teams or organizations shall not constitute evidence of the institution's recognition or endorsement of said unaffiliated student groups, teams or organizations.

Each such group, team or organization shall distribute a copy of this section and sections seventeen and eighteen to each of its members, plebes, pledges or applicants for membership. It shall be the duty of each such group, team or organization, acting through its designated officer, to deliver annually, to the institution an attested acknowledgement stating that such group, team or organization has received a copy of this section and said sections seventeen and eighteen, that each of its members, plebes, pledges, or applicants has received a copy of sections seventeen and eighteen, and that such group, team or organization understands and agrees to comply with the provisions of this section and sections seventeen and eighteen.

Each institution of secondary education and each public or private institution of post secondary education shall, at least annually, before or at the start of enrollment, deliver to each person who enrolls as a full time student in such institution a copy of this section and sections seventeen and eighteen.

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Each institution of secondary education and each public or private institution of post secondary education shall, at least annually, before or at the start of enrollment, deliver to each person who enrolls as a full time student in such institution a copy of this section and sections seventeen and eighteen.

Each institution of secondary education and each public or private institution of post secondary education shall file, at least annually, a report with the board of higher education and in the case of secondary institutions, the board of education, certifying that such institution has complied with its responsibility to inform student groups, teams or organizations and to notify each full time student enrolled by it of the provisions of this section and sections seventeen and eighteen and also certifying that said institution has adopted a disciplinary policy with regard to the organizers and participants of hazing, and that such policy has been set forth with appropriate emphasis in the student handbook or similar means of communicating the institution's policies to its students. The board of higher education and, in the case of secondary institutions, the board of education shall promulgate regulations governing the content and frequency of such reports, and shall forthwith report to the attorney general any such institution which fails to make such report.



## N. NON-DISCRIMINATION

The non-discrimination policy is available online through the Office of Equal Opportunity.

## O. OFF-CAMPUS DISTURBANCES

Students are expected to be good neighbors when living off campus in our local communities. Behavior that causes a neighborhood disturbance or violates local ordinances is prohibited. This includes but is not limited to creating excessive sound and vibration, hosting a number of people in excess of the capacity of your building, improper care for pets that causes a disturbance, or failing to maintain your residence in a habitable condition is prohibited by University policy and local laws.

## P. PHYSICAL ABUSE AND RECKLESS ENDANGERMENT

Physical abuse of others and physical abuse of oneself that negatively affects others are prohibited. Reckless endangerment of oneself or others is prohibited. Physical abuse is violence of any nature against any person; fighting; assault; battery; the use or brandishing of a knife, gun, or other weapon with the intent, effect, or reasonable possibility of injuring any person; restraining or transporting someone against their will; or any action that threatens or endangers the physical health or safety of any person or causes reasonable apprehension of such harm. Reckless endangerment is conduct that could reasonably and foreseeably result in physical injury even if no injury actually occurs.

## Q. PROPERTY DAMAGE AND VANDALISM

Unauthorized conduct that is reasonably likely to or actually does cause damage, destruction, or vandalism of Tufts property or the property of another individual is prohibited.

## R. PUBLIC NUDITY

Students are generally prohibited from engaging in acts of public nudity and public urination. Public nudity is nakedness or exposure of one's intimate parts, such as genitalia, groin, breast and/or buttocks in an open area of campus or public area or exposure that is visible from an open area of campus or public area. Public nudity includes acts such as streaking, public urination, and nude sunbathing. Open areas of campus are any areas accessible to more than ten people or that a reasonable objective person would judge to be open spaces, such as residential hall lounges and hallways, outdoor space, classrooms, and other non-residential campus buildings.

There are some circumstances in which exposure of one's intimate parts may be permissible and appropriate, such as nude modeling for a fine arts class, certain art or drama performances, or nursing mothers who are breastfeeding. Such activities do not constitute public nudity under this policy. For more information on the University's resources for nursing mothers, please review the University's Policy for Nursing Mothers.

Conversely, there are some circumstances in which exposing one's intimate parts may constitute more than mere public nudity and will, instead, become a violation of the Sexual Misconduct Policy. When the exposure is sexual in nature (i.e., flashing, masturbating) and/or is targeted at a specific individual or group of individuals without their consent, then the act of public nudity will be considered Indecent Exposure, which is a violation of the Sexual Misconduct Policy. Indecent Exposure may, but does not necessarily have to, include a sexual act.

## S. RETALIATION

Retaliation by individual students, groups of students, or student organizations is prohibited. Retaliation is a serious adverse action taken against an individual for reporting behavior that may be prohibited by law or policy or participating in an investigation or resolution process related to an allegation of misconduct. Retaliation is sufficiently severe or pervasive to create a work or academic environment that a reasonable person would consider intimidating, hostile, or abusive and that adversely affects the victim's educational, work, or living environment.

## T. SEXUAL MISCONDUCT

Sexual misconduct is prohibited. Tufts has an affirmative consent policy which means students engaging in sexual interactions with others must give and receive affirmative consent for a sexual interaction to be consensual. Sexual misconduct includes sex and gender discrimination, sexual and sex- and gender-based harassment; sexual assault and rape; sexual exploitation; stalking; relationship violence (including domestic and dating violence), and retaliation for reporting or involvement in any of the above conduct. The full sexual misconduct policy and procedures for adjudication are available online from the Office of Equal Opportunity.

## U. SMOKING

Students are prohibited from smoking any substance in all University indoor spaces, all University facilities, University residences, fraternities, or sororities, and all other areas designated as smoke-free. Smoking includes but is not limited to use of cigarettes, cigars, pipes, e-cigarettes, and personal vaporizers or other devices associated with vaping.

## V. THEFT

Theft and possession of stolen property are prohibited. Theft is the unauthorized taking of property. Possessing stolen property occurs when a student or students know or reasonably should have known that property in their possession was obtained through theft.

## W. THREATS

Threats, intimidation, coercion, and other verbal or physical conduct that can be reasonably construed as an expression of an intent to endanger the mental or physical health or safety of any person is prohibited, when such conduct is persistent, severe, or pervasive and is subjectively threatening to the complainant and objectively threatening to a reasonable person. Threats, intimidation, coercion, and other threatening conduct can occur in person, by phone, through third parties, online, or in other venues.

To report threats or learn more, please visit the Tufts University Threat Assessment and Management (TTAM) Program website.

## X. UNAUTHORIZED ACCESS

Tufts students are expected to exercise respect for the property of others, including the University.

Tufts prohibits students from unauthorized entry into or use of any buildings, roofs, property, or housing, including University property and private property belonging to others. Unauthorized access is being present in any area that is posted to prohibit unauthorized access, that is locked to prohibit unauthorized access, or that a reasonable individual knows or should know is considered a private and/or unauthorized area.

Unauthorized entry includes breaking and entering or entering an access-restricted area by circumventing established security procedures (e.g., using another person's credentials, tailgating authorized individuals into a restricted area).

Tufts prohibits unauthorized possession or duplication of means of access to any University building, including keys or ID cards.

All University roofs are prohibited areas unless a person has obtained specific written authorization from the Facilities Services Department and follows the specifications of the Fall Prevention Program.

## Y. UNAUTHORIZED RECORDING

Making or attempting to make audio, video, or photographic recordings of a person who has a reasonable expectation of privacy without (1) that person's consent, or (2) authorization under the Tufts video security policy is prohibited. Disseminating such recordings is also prohibited. People have an expectation of privacy in private areas such as locker rooms, residence hall rooms, and restrooms; and a person has an expectation of privacy if they ask not to be recorded even if they are in a public area. Tufts prohibits unauthorized recording of administrative or faculty meetings; to record a meeting, a student must obtain consent of all recorded parties. Malicious or negligent disclosure of private personal information also is prohibited.



## Z. VIOLATIONS OF OTHER UNIVERSITY POLICIES

Students are required to follow all published University policies, including but not limited to:

- Residential Life policies and License Agreement
- SMFA Policies
- Office of Fraternity and Sorority Life policies
- Social Event policies
- Digital Millennium Copyright Act Policy
- Department of Public and Environmental Safety policies

Failure to do so may be considered a violation of the Code of Conduct.

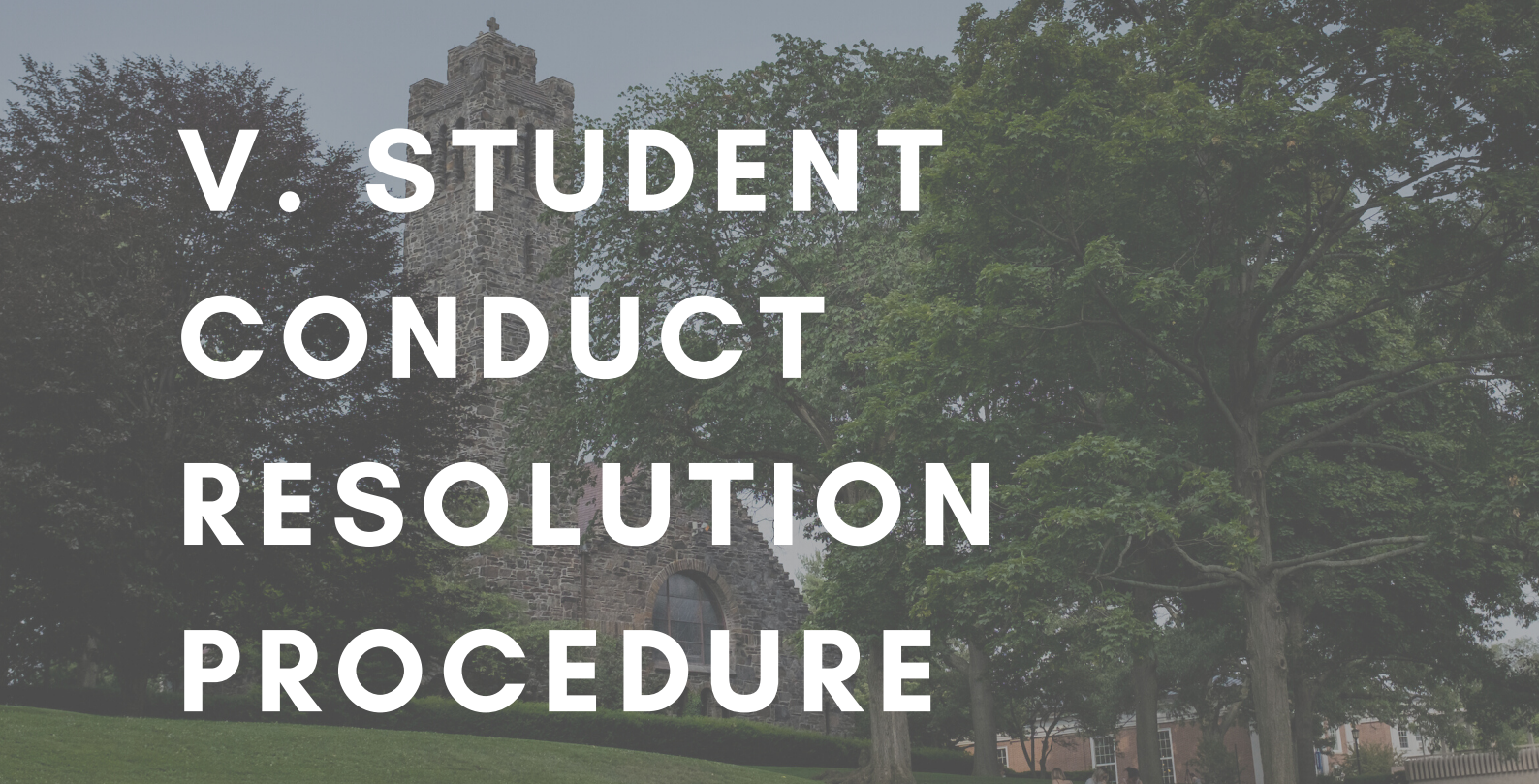
## AA. WEAPONS AND VIOLENCE-FREE UNIVERSITY

### 1. Weapons

No individual other than a Tufts University police officer or other authorized law enforcement officer may possess, carry, store, use, or have in their custody or control, a firearm or other weapon anywhere on the campus grounds or in any campus building. This policy includes, but is not limited to, firearms of any nature including: shotguns, rifles, pistols and revolvers, paint ball guns, or BB/pellet guns; firearm replicas; ammunition; martial arts-type weapons; explosives (including fireworks); bows, crossbows, arrows; slingshots; switchblade knives, double-edged knives, hunting (fixed-blade)-style knives of any length, throwing knives, or folding (pocket-style) knives with a blade length of four inches or greater; swords; axes; mace, pepper gas/spray, and other dangerous chemicals; or any other destructive device or instrument that may be used to do bodily injury or damage to property. Temporary exemption to this policy may be granted only by the Tufts University Police Department, (617-627-3030) for educational or demonstration purposes. Weapons will be confiscated by the University Police and violators may be subject to criminal prosecution and/or referral for college disciplinary action, possibly including suspension or expulsion.

### 2. Violence-Free Policy Statement

Tufts is committed to maintaining an environment in which individuals are safe to learn, work, and live. In support of this commitment, we affirm that Tufts will not tolerate violence or threats of violence anywhere on its campuses or in connection with university-sponsored programs.



# V. STUDENT CONDUCT RESOLUTION PROCEDURE

The Student Conduct Resolution Procedure (SCR) provides a consistent, fair, and effective mechanism to resolve cases in which students or student groups allegedly violate the standards of the Tufts community. The SCR is designed to be used by and accessible to Tufts students. No special knowledge or legal training is required to participate in the SCR or to understand the procedures below.

All complaints that a student or student organization violated a University policy, including academic dishonesty, should be reported to the Office of Community Standards within the Dean of Student Affairs Office. The Office of Community Standards will generally follow the student conduct resolution procedure described below to resolve complaints. However, given the often personal and targeted nature of complaints related to non-discrimination and sexual misconduct, complaints that these policies have been violated will be resolved according to the Sexual Misconduct Adjudication Process or the non-discrimination process, which is available online. The interim action section below applies to all complaints, including discrimination and sexual misconduct.

## A. DEFINITIONS

The following definitions are used to describe various roles in the SCRP.

### **1. Complaint**

A complaint is a written allegation that a student or student organization has violated one or more University policies.

### **2. Complainant**

The complainant is the person or persons alleging misconduct on the part of a student or student organization.

### **3. Respondent**

The respondent is the student or student organization who responds to the allegation that they have violated University policy. In a student organization, the individual student(s) who is registered as the leader or representative of the group will receive communication about alleged violations of University policy and may act on behalf of the student organization, including representing the organization at meetings and hearings.

### **4. Advisor**

Any complainant or respondent involved in the Student Conduct Review Process may have one advisor of their choice, except that the advisor may not be a member of the media. The advisor may be a faculty mentor, a friend, a family member, an attorney, a chaplain, a mental health clinician, or another person of the student's choosing. Advisors are neither required nor necessary in the Student Conduct Review Process.

- a. The role of the advisor is to provide support to the student they are advising, not to advocate on behalf of the student. Advisors may assist the student in organizing their thoughts, help the student prepare for hearings and meetings, and provide personal or emotional support. Regardless of whether a respondent works with an advisor, respondents are responsible for learning about the SCRP and making their own decisions.
- b. Advisors are permitted to attend the initial meeting, the hearing, and other meetings with the student, but they are not permitted to participate. Advisors may not speak to or disrupt the hearing panel, sanctioning panel, or conduct officer. Advisors who disrupt the proceedings may be directed to leave.
- c. Advisors may not write complaints, responses, or other documents on behalf of students or correspond with the Office of Community Standards on behalf of the student.

d. The University does not provide professional advisors for students or student organizations. The Dean of Student Affairs Office will help a respondent find an advisor upon request. The University makes no representations concerning the skills, knowledge, or effectiveness of any advisor.

e. University staff may be willing to work as an advisor with a party involved in the Student Conduct Resolution Process, but are not required to do so.

f. A party who intends to have an advisor at a hearing or sanctioning panel must provide the chair with written notice of the identity (name, relationship to the student, whether the advisor has had any legal training and the nature of that training, address, and telephone number) of the advisor no later than three business days prior to the hearing or sanctioning panel.

## **5. Business Day**

A business day refers to a standard day of University operation, meaning 9:00 a.m. to 5:00 p.m. ET, Monday through Friday, with the exception of University holidays or closures. Academic breaks during which the University is open for business (e.g., spring break) are business days.

## **6. Office of Community Standards**

The Office of Community Standards (OCS) is a department in the Division of Student Affairs. The office is responsible for upholding the standards of the Tufts community and addressing alleged policy violations. Students who have questions about Tufts policies or their rights or responsibilities according to Tufts policy, or have questions about making a complaint or a response, are encouraged to contact OCS.

## **7. Conduct Officers**

Tufts staff members authorized by the Office of Community Standards to individually resolve cases. Some conduct officers are additionally authorized to serve as hearing chairs. Conduct officers will be trained in the SCRP and shall report to the Office of Community Standards regarding their implementation of the SCRP.

## **8. Hold**

An enrollment hold prevents a student from adding or dropping classes, changing their academic schedule, or enrolling in subsequent terms at the University. A transcript hold prevents a student from receiving a diploma or receiving or sending a transcript. A graduation hold prevents a student from having a degree conferred, participating in commencement exercises, and receiving a diploma. Conduct officers may put one or more of these holds when appropriate to affect the purpose of the SCRP.



### 9. *Preponderance of evidence*

All decisions about whether a respondent violated Tufts policy will be made using the preponderance of the evidence standard. This means that the Conduct Officer or Hearing Panel will weigh the available information and decide whether it is more likely than not that the respondent violated policy.

## B. STUDENT RIGHTS AND RESPONSIBILITIES IN THE STUDENT CONDUCT RESOLUTION PROCEDURE

The University views the SCRP primarily as an educational experience that can resolve conflict, promote growth, increase understanding of one's role as a member of an academic community, and facilitate the exercise of one's rights and responsibilities. The SCRP is also a mechanism to maintain a safe community, enforce University policy, and promote accountability.

During all phases of the SCRP, both the complainant and the respondent can expect to be treated fairly. Accordingly, complainants and respondents both have the right to:

- A. Receive a written notice of the alleged violation(s), including a list of the policies allegedly violated; and
- B. Receive an explanation of the Student Conduct Resolution Procedures upon request; and
- C. Participate in the SCRP.
  - a. If a complainant, respondent, witness, or other participant has a disability and requires accommodation to participate in the SCRP, they should contact Student Accessibility Services at 617-627-4359 or [accessibility@tufts.edu](mailto:accessibility@tufts.edu);
- D. Have the presumption that no violation of policy occurred unless the available information establishes otherwise, by the preponderance of the evidence standard, after they have received notice of allegations and had a meaningful opportunity to respond; and
- E. Be accompanied by an advisor if desired and if the advisor specifications listed in Section I.A.4. are met; and
- F. Receive written notification of the parts of the outcome of the conduct process that are relevant to them (complainants may receive the full outcome in certain cases when permitted by federal privacy law); and

G. Appeal a decision made in the SCRP according to the procedures for appeal, outlined in Section V.DD.

H. In matters that are handled through a hearing or sanctioning panel, the complainant and the respondent additionally have the right to:

- a. Receive access to the information and documents to be presented at a hearing or sanctioning panel in advance of the hearing or panel; and
- b. Be present during the entire proceeding of a hearing or sanctioning panel, but not during either panel's deliberations; and
- c. Question any party or witness present at a hearing or sanctioning hearing, either directly or indirectly, at the discretion of Chair; and
- d. Present relevant material witnesses, i.e., those with firsthand knowledge of the incident (the respondent and complainant are responsible for contacting and arranging for the attendance of their own witnesses in all cases).

In addition to having rights, the complainant and respondent also have a responsibility to:

1. Participate honestly in the SCRP; and
2. Interact professionally with others involved in the SCRP; and
3. Certify that all materials submitted as their own constitute their own original work and must cite sources, editors, and collaborators appropriately.

## C. PROCEDURES FOR REPORTING AN ALLEGED VIOLATION

1. *General Complaint.* Any person may submit a complaint alleging a student or student organization violated the Tufts Code of Conduct or any University policy. The University may itself submit a complaint.

A. The complaint shall be submitted in writing to the Office of Community Standards (OCS). OCS maintains an online portal that may be used to submit complaints.

B. A complaint usually entails a description of the incident or circumstance and the identity of the student or student organization alleged to have violated policy. The complaint will be accessible to the respondent.

C. A complaint should generally be submitted as soon as possible after an event takes place, however, there is no time limit for the submission of a complaint. Although the University will investigate and adjudicate complaints while the respondent is still enrolled or registered as a student organization, the passage of time may have an impact on the availability and quality of available information.

- D. In certain circumstances, the University may investigate alleged misconduct by a graduate. Such circumstances are described in Section EE.
- E. Prior to the submission of a complaint, a complainant may meet with the Office of Community Standards to discuss the options available to resolve the complaint, the steps to follow for each option, and receive answers to related questions.
- F. A complainant is permitted to have an advisor. Section I.A.4. for a definition of the advisor role.
- G. A person submitting a complaint will be required to certify that their complaint is their own original work and the complainant must cite sources, editors, and collaborators appropriately.

2. *Sexual Misconduct Complaint.* A complainant's statement, complaint form, and privacy/non-retaliation acknowledgement should be submitted to the Office of Equal Opportunity (OEO) to initiate a sexual misconduct complaint. Detailed procedures are available in the Sexual Misconduct Adjudication Process, which is available online at <http://oeo.tufts.edu/policies-procedures/sexual-misconduct-student/>.

3. *Non-Discrimination Complaint.* Complaints alleging that a student or student organization has violated the non-discrimination policy should be submitted to OEO. More information about this process is available online at <http://oeo.tufts.edu/policies-procedures/non-discrimination-policy/>.

## D. INTERIM ACTIONS

Complaints of student and student organization misconduct occasionally require the University to take immediate action in order to protect the health, safety, or wellbeing of individuals or the community; to maintain academic integrity; to uphold University values; to end ongoing or prevent further misconduct; to separate individuals involved in a case; or for other similar reasons. To that end, the Dean of Student Affairs and the Director of Community Standards, and their respective designees, are authorized to impose immediate interim measures when, in their judgment, such measures are necessary and appropriate under the particular circumstances.

Possible interim measures include without limitation interim suspension of a student from the University, interim suspension of a student organization, removal of a student from housing or relocation to another room or residence hall, no-contact orders, restricting a student's access to certain campus locations, or changes to academic or work schedules.

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Interim measures will usually remain in place pending the resolution of the complaint.

Interim suspension of an individual student may only be imposed if, in the judgment of the Dean of Student Affairs, the Director of Community Standards, or their designees, there is evidence or information which appears reliable suggesting that the respondent violated a Tufts policy and that interim action is necessary: (1) to ensure the safety and well-being of members of the University community or preservation of University property; or (2) to ensure the student's own physical or emotional safety and well-being; or (3) if the student poses an ongoing threat of disruption of, or interference with, the normal operation of the University.

While a student is on interim suspension, the student is not permitted to access any building, facility, or activity of the University, including classes, residence halls, and extracurricular activities.

There are no such restrictions on the reason for the interim suspension of a student organization.

## E. STAY AWAY REQUESTS AND NO CONTACT ORDERS

1. *Stay Away Requests*. The Director of Community Standards or designee may issue Stay Away Requests (SARs) on behalf of students who would like to provide formal notice to another student that they do not wish to have further direct or indirect communication or contact with them. A SAR can be initiated by contacting the Dean of Student Affairs Office at 617-627-3158.

A. A SAR prohibits direct or indirect communication or contact between the parties, including in person, mail, email, telephone, messaging, social media, or contact through friends, and are designed to secure the integrity of the adjudication process.

B. SARs stay in effect until further notice is given to the involved parties.

C. A SAR is a directive, not a disciplinary action, and it has no disciplinary consequences. It is not in itself a finding of responsibility for any disciplinary action, nor does it preclude future disciplinary action.

D. However, failure to abide by the terms of a SAR will likely result in serious disciplinary action, including a strong consideration of removal from campus housing, loss of privileges, probation, and suspension. Disregard of a SAR can also be used as evidence in a claim of harassment. Any party responsible for retaliation or threats of retaliation will also be subject to disciplinary action by the University.

E. A SAR does not necessarily restrict a student from being on campus or place restrictions on any academic or co-curricular activities of either party.

i. There is no minimum distance that must be maintained between the two.

ii. However, provisions regarding certain spaces on campus may be added to a SAR at the discretion of staff members in the Dean of Student Affairs Office, and should the parties unexpectedly encounter one another, they are both expected to maintain the maximum distance possible and must not initiate direct or indirect communication with one another.

iii. The person who arrives second to a closed space is expected to leave that space.

2. *No Contact Order*. The Director of Community Standards or designee issues No Contact Orders (NCOs) as a result of certain complaints being filed, including complaints of Sexual Misconduct, including sex and gender discrimination; sexual and sex- and gender-based harassment, sexual assault and rape, sexual exploitation, stalking, relationship violence (including domestic and dating violence), and retaliation. NCO are issued between parties once a complaint alleging sexual misconduct has been submitted to OEO. A NCO can be requested by contacting the Dean of Student Affairs Office at 617-627-3158.

A. A NCO prohibits direct or indirect communication or contact between the parties, including in person, mail, email, telephone, messaging, social media, or contact through friends, and are designed to secure the integrity of the adjudication process.

B. NCOs stay in effect until further notice is given to the involved parties.

C. A NCO is a directive, not a disciplinary action, and it has no disciplinary consequences. It is not in itself a finding of responsibility for any disciplinary action, nor does it preclude future disciplinary action.



D. However, if a NCO is violated, the offender will be required to leave the campus immediately and additional disciplinary action will be taken, including a strong consideration of removal from campus housing, loss of privileges, Probation, and/or Suspension. Disregard of a NCO can be used as evidence in a claim of harassment. Disregard of a NCO may also be considered in the assignment of a consequence for any original violation.

E. A NCO does not necessarily restrict a student from being on campus or place restrictions on any academic or co-curricular activities of either party.

- i. There is no minimum distance that must be maintained between the two.
- ii. However, provisions regarding certain spaces on campus may be added to a SAR at the discretion of staff members in the Dean of Student Affairs Office, and should the parties unexpectedly encounter one another, they are both expected to maintain the maximum distance possible and must not initiate direct or indirect communication with one another.
- iii. The person who arrives second to a closed space is expected to leave that space.

f. In cases where there has been a finding of responsibility, the NCO may be modified by the Director of Community Standards or designee to require to the respondent to modify their class schedule, change residential arrangements, or take other actions to avoid the complainant.

3. *Harassment Prevention Order or Abuse Prevention Order.* Students may also request a Harassment Prevention Order or an Abuse Prevention Order from the relevant court. Staff in the Office of the Dean of Student Affairs and TUPD officers can provide information about requesting such orders and can assist students in requesting such an order from the court.

## F. INFORMATION GATHERING

In certain instances, additional information gathering or investigation is needed after the complaint is received. Such information gathering may be conducted by the Office of Community Standards or other designated University staff. In appropriate circumstances, information gathering may occur in cooperation with the Tufts University Police Department, academic departments, and other relevant agencies and departments.

Information gathering may include interviewing involved parties such as witnesses or victims and reviewing available information relevant to the complaint.

## G. LEGAL PROCEEDINGS

The SCRCP reserves the right to take information from legal proceedings into account when conducting its own analysis and will do so on a case-by-case basis. In general, the SCRCP will proceed without waiting for the resolution of criminal, civil, or other legal actions arising from the same set of facts that caused a SCRCP complaint. However, the Director of Community Standards or designee may direct the conduct officer to defer SCRCP resolution for a short period of time as necessary not to interfere with a criminal investigation.

## H. RESOLUTION METHOD

Once a complaint is submitted, the Director of Community Standards or designee will review the complaint and assign it to a conduct officer for resolution. The conduct officer, after reviewing the complaint and any other documentation they deem appropriate, determines whether the complaint is within the jurisdiction of the SCRCP and which method of resolution will be used.

The conduct officer may consult appropriate individuals in making the determination. The determination by the conduct officer on the method of resolution is final and not appealable.

Tufts generally uses four methods of resolution when a complaint is received: administrative decisions, restorative conferences, hearings, and sanctioning hearings.

1. *Administrative Decision.* The Administrative decision is designed to allow students to discuss the complaint and critically evaluate their behavior in a one-on-one setting. The conduct officer provides the respondent an opportunity to meet and to provide a written response to the complaint before a decision is made. The Administrative decision leads to a decision by the conduct officer.

A. Administrative decisions are used in situations where the consequences of the alleged violation, if a respondent were found responsible, are less than disciplinary suspension; and in cases where the respondent requests an administrative decision, regardless of the severity of the allegation.

B. The conduct officer determines whether or not the respondent violated Tufts policy using a preponderance of the evidence standard.

C. If there was a violation, the conduct officer also determines what sanctions are appropriate.

D. The conduct officer may consult with appropriate people in making any determination.

E. Administrative decision may also be used in cases where the respondent has been found responsible for violating Tufts' non-discrimination policy by the Office of Equal Opportunity. In such cases, the finding from OEO will not be subject to dispute, but the student will meet with the conduct officer for a discussion of the appropriate sanction.

2. *Hearing.* A hearing is designed to facilitate a robust examination of the facts of a case by people of different perspectives in the community.

A. Hearings are used in cases where all of the following conditions are met:

i. There is a dispute about whether or not Tufts policy was violated.

ii. The possible consequences of the alleged violation, if the respondent is found responsible, are: Suspension, expulsion, or degree revocation for an individual student; or Suspension or revocation of recognition for a student organization.

iii. The respondent has not requested or received an Administrative decision.

B. *Special Requests for a Hearing.* An individual student respondent who does not meet the above conditions may request a hearing if there is a dispute about whether Tufts policy was violated and the possible consequences of the alleged violation, if the respondent is found responsible, include probation.

i. Requests for a hearing must be made in writing to the conduct officer within two business days of the initial meeting.

ii. Requests may not be made after an Administrative decision is issued.

iii. Student organizations may not make a special request for a hearing.

C. Hearings allow the complainant and respondent to appear before an impartial panel of trained community members who will consider all relevant information from the complaint, the response, and relevant witnesses.

D. The hearing panel will determine whether or not the respondent violated Tufts policy using a preponderance of the evidence standard.

E. If there was a violation, the hearing panel will determine the sanction.

3. *Sanctioning Hearing.* A sanctioning hearing is designed to facilitate careful consideration of the facts and circumstances of a case, when those facts are not in dispute, in order to determine the appropriate sanction.

- A. Hearings are used in cases where all of the following conditions are met:
- i. Complainant and respondent agree on most facts, or a finding of responsibility has already been made through another university process;
  - ii. The respondent accepts responsibility for the alleged violations, or a finding of responsibility has already been made through another university process;
  - iii. The possible consequences of an alleged violation are:  
Suspension, expulsion, or degree revocation for an individual student; or  
suspension or revocation of recognition for a student organization.
  - iv. The respondent has not requested an Administrative decision.
- B. Special Requests for a Sanctioning Hearing. An individual student respondent who does not meet the above conditions may request a sanctioning hearing if the possible consequences of the alleged violation include probation.
- i. Requests for a hearing must be made in writing to the conduct officer within two business days of the initial meeting.
  - ii. Requests may not be made after an Administrative decision is issued.
  - iii. Student organizations may not make a special request for a sanctioning hearing.
- C. Sanctioning hearings allow the complainant and respondent to appear before an impartial panel of trained community members who will consider all information relevant to sanctioning.
- D. Following the sanctioning hearing, the panel will determine the sanction.

4. *Restorative Conference*. A restorative conference is designed to identify and respond to the harm caused to others or the community at large by the respondent's actions and give the respondent an opportunity to repair the harm.

- A. Restorative conferences are used only when (1) the respondent accepts responsibility for violating a policy or otherwise causing harm, (2) the complainant and the respondent are interested in meeting with each other in a restorative conference, and (3) the conduct officer determines that a restorative conference is appropriate.
- B. Restorative conferences are not available in cases of sexual misconduct, and they are not available in cases where the possible sanction includes suspension, expulsion, or degree revocation for an individual student or suspension or revocation of recognition for a student organization.
- C. In a restorative conference, the respondent meets with the complainant and other involved individuals.

D. At the conclusion of this meeting, an agreement is reached describing the action steps the respondent will take to repair the harm.

5. *Informal Resolution*. The Office of Community Standards or the conduct officer may resolve a complaint through informal methods, when it appears that the behavior described in the complaint, even if accurate, is not a violation of Tufts policy, when the complainant and respondent agree to informal resolution and the conduct officer agrees informal resolution is appropriate, or otherwise when approved by the Director of Community Standards.

## I. PROCEDURE FOR RESPONDING TO A COMPLAINT

1. *Participation in the SCRP*. Respondents are required to participate in the Student Conduct Resolution Process.

A. The conduct officer will offer respondents the opportunity to participate in the process.

B. In the absence of participation from a respondent, the conduct officer may proceed with a resolution without input from the respondent.

C. All people involved in the Student Conduct Resolution Process are expected to be honest and truthful.

D. Students who knowingly provide false information to University officials will be subject to disciplinary action.

E. Any party involved in the SCRP may have an advisor. See Section I.A.4 on the role of the advisor.

F. The University expects students to engage appropriately with the SCRP and considers sanctions assigned as a result of the SCRP to be required components of the student's education. Accordingly, conduct officers and the Office of Community Standards have the authority to place registration, transcript, and graduation holds in order to require students to attend meetings related to the SCRP process, enforce sanctions, respond to past due sanctions, and otherwise effect the SCRP's purpose.

2. *Respondent Status While Complaint is Pending*

A. Once notified of a complaint, the respondent may not take a personal or academic leave and may not permanently withdraw from Tufts, without transcript notation, until the final resolution of the complaint.



B. If a respondent attempts to permanently withdraw from the University while a complaint is pending, the conduct officer has the option to (1) resolve the complaint according to the SCR, with or without the respondent's participation, or (2) approve the student to withdraw with disciplinary charges pending. Withdrawal with disciplinary charges pending makes a student ineligible to return to Tufts and causes the student to be out of good standing with the University, and will be noted on the transcript.

C. The respondent can only take a medical leave with the authorization of the conduct officer. Such authorization will only be granted in extraordinary circumstances and will specify that the complaint must be resolved before the student can return and that while the student is on leave, a notation of pending disciplinary action may be placed on the transcript.

D. Once a complaint concerning an academic integrity violation has been filed, a student may not drop, change course grading to Pass/Fail, or withdraw from the course.

i. If found not responsible, the student may drop or withdraw from the course as per usual academic policy. If the deadline to drop or withdraw from a course or switch from graded to pass/fail has passed, a student found not responsible may request an exception to the deadline from the Office of Community Standards.

ii. If the student is found not responsible, the assignment will be graded on its own merit and no grading penalty may be imposed.

iii. The student has the right to continue in the course while the case is pending and after resolution is reached, regardless of the grading penalty imposed, unless a sanction of suspension or expulsion is imposed.

E. In cases where an allegation, if proven, may result in Probation, Suspension, Expulsion, or Degree Revocation the notation "Disciplinary Charges Pending" may be placed on the transcript at the time the complaint is filed.

i. The notation will be removed or changed as appropriate following final resolution of the complaint, including any possible appeal.

F. No disciplinary action or other restriction on a student's participation in academic or co-curricular activities will be imposed prior to a final determination, except interim action described in Section V.D.

G. In cases where an allegation, if proven, may result in Probation, Suspension, or Expulsion, a student's degree may be held pending a final resolution of the case.

2. *Notice.* When a complaint is received, the respondent will be notified in writing that a complaint has been submitted and the policies alleged to have been violated.

A. The respondent will be invited to schedule an initial meeting with the conduct officer to discuss the case.

B. The initial notice, and all subsequent notices will be sent electronically to the respondent's Tufts.edu email address.

C. All students are responsible for regularly checking their University email address.

D. Failure to respond to an initial notice will result in the placement of an enrollment hold, a transcript hold, a graduation hold; or in the conduct officer proceeding with the SCRP without the respondent's input.

3. *Initial Meeting.* Respondents are required to attend an initial meeting with the conduct officer promptly upon receiving written notice of the complaint.

A. The purpose of the initial meeting is to discuss the substance of the complaint, offer the respondent a chance to respond, consider what can be learned from what occurred, and discuss the options available to the respondent under the SCRP.

B. A respondent is permitted to have one advisor accompany them to the initial meeting, and any other meetings or hearings during the SCRP.

C. In certain cases, the initial meeting may be followed by additional investigation and a subsequent meeting.

D. *Written Response.* After an initial meeting with the conduct officer, respondents may respond to the complaint in writing.

i. A written response is required in cases resolved via hearing and sanctioning hearing, and optional in cases resolved via Administrative decision and restorative conference.

ii. Respondents who are required to or choose to submit a written response to the complaint must do so within two business days after the initial meeting. Extensions may be granted on a case-by-case basis.

iii. The respondent will be required to certify that their response is their own original work and the complainant must cite sources, editors, and collaborators appropriately.

## J. PROCEDURES FOR AN ADMINISTRATIVE DECISION

The Administrative decision most often takes place during the initial meeting, but may occur in a separate appointment following the initial meeting. The purpose of an Administrative decision is to facilitate a reflection on what occurred, prompt the student to identify what they can learn from the experience, and identify action steps that resolve the situation.

After the Administrative decision and the student's opportunity to submit a written response, the conduct officer will determine whether or not the respondent violated Tufts policy, using a preponderance of the evidence standard.

If the respondent is found responsible, the conduct officer also determines what sanctions are appropriate. The conduct officer may consult with appropriate people in making this determination. In deliberations on sanctions, the conduct officer may review any prior findings of responsibility of the respondent. Except as provided in Section V.DD, the conduct officer's decision is final. The conduct officer provides written notice of the decision to the respondent, and when permitted, the complainant.

No audio or video recording of any kind is allowed during an Administrative decision. A documentary record of the proceedings will be kept in the files of the Office Community Standards. This record should include: (1) the complaint and respondent's response, (2) all documents submitted, and (3) the decision letter.

## K. PROCEDURES FOR A HEARING

A hearing is designed to facilitate a robust examination of the facts of a case by people of different perspectives in the community. Hearings allow the complainant and respondent to appear before a panel who will consider all relevant information from the complaint, the response, and relevant witnesses. The panel members are students, faculty, and staff who are trained in resolving cases according to the SCRP. Hearings do not attempt to create an adversarial or a courtroom environment, but rather are structured conversations with a decision-making panel.

A hearing may be convened to consider the conduct of a single student or student organization. A hearing also may be convened to consider the conduct of multiple students or student organizations involved in the same incident or circumstances. If a hearing is convened to consider the conduct of multiple students or student organizations, the panel determines the individual responsibility of each student or student organization and issues separate sanction accordingly.

The panel also has the discretion to decide that individual hearings should be convened instead of hearing the case collectively.

1. *Scheduling and Notice.* The hearing is scheduled as soon as is reasonably possible after the respondent's written response has been received by the conduct officer or after the deadline for submission has passed.

A. Hearings are scheduled based on the class schedules of the complainant, respondent, and witnesses and the panel members' availability. Hearings are not scheduled around the availability of advisors, nor around extracurricular activities of complainants, respondents, or witnesses.

B. The complainant and respondent will be notified in writing of the date, time, and place of the hearing at least seven business days in advance. The complainant and respondent are each responsible for notifying their advisor and their witnesses.

C. Both parties will be provided with guidelines for submitting documents for the hearing and a date by which any documents to be presented at the hearing must be submitted, typically three business days before the hearing.

i. All parties must certify that all materials submitted as their own constitute their own original work and must cite sources, editors, and collaborators appropriately.

ii. Information submitted following this date may only be included for consideration at the discretion of the chair.

iii. The complainant and respondent will have access to all documents that the panel will consider relevant to the finding of responsibility.

iv. Following receipt of this information, the documents will be made available to the panelists, the complainant, and the respondent. Typically, documents will be distributed two business days before the hearing.

v. The chair or the panel may request a fact-finding report from the Office of Community Standards or designee.

2. *Panel.* The panel hearing any particular case shall be made up of five individuals who are approved by the Office of Community Standards, which shall include at least three faculty and at least one student.

A. Both the complainant and the respondent have the right to a fair and impartial panel.

B. Normally, the names of panelists who will participate in a hearing will be given to the parties five business days prior to the hearing.

C. A panelist will be replaced if one of the parties in the case is able to demonstrate to the chair of the hearing, at least three business days before the scheduled hearing, that the panelist is not in a position to be impartial.

D. The panel or the chair will judge whether a panelist whose impartiality is questioned should remain on the panel.

E. The mere fact that a panelist has taught or is teaching a class in which one of the parties was or is enrolled, or that a panelist has been or is in a class with a party, is not grounds, per se, for the disqualification of the panelist.

F. The complaint and respondent can waive the minimum quorum of a panel in writing in order to allow the hearing to proceed with fewer than five panel members.

3. *Privacy.* Hearings are open only to the complainant, complainant's advisor, respondent, respondent's advisor, scheduled witnesses, the panel, and the chair. No others are permitted to attend.

4. *Witnesses.* The complainant and the respondent are entitled to present as many relevant eye witnesses as necessary at a hearing.

A. Eye witnesses who testify about an incident will be asked to speak to what they have directly observed, heard, or done – not what the witnesses believe or may have heard happened.

B. A list of witnesses must be provided to the chair no later than five business days prior to the hearing.

C. Each party will receive a list of the other party's witnesses no later than three business days prior to the Hearing.

D. Both parties will have an opportunity to ask questions of all eye witnesses.

E. Witnesses are normally required to be present at hearings so that they may respond to questions.

F. Character witnesses will not be permitted to appear in person.

i. Character witnesses may submit a letter to be considered by the panel.



ii. The complainant and respondent may submit letters from up to two character witnesses each.

G. Expert witnesses are only allowed in unusual circumstances and with the advance permission of the chair.

5. *Chair's Role.* The chair facilitates the hearing.

A. The chair may postpone or suspend a hearing.

B. The chair may call a brief recess at any time during the hearing.

C. At any time, the chair determines whether certain witnesses should appear and decides whether any particular question, statement, or information will be allowed during a hearing. Formal rules of evidence that apply to civil or criminal judicial processes are not applicable.

D. The chair may call a particular witness.

E. The chair shall warn any participant deemed to be disruptive, harassing, or intimidating to any other participant and if appropriate, excuse any individual's presence at a hearing, or take any other action deemed necessary by the chair to ensure an orderly hearing.

6. *Hearing Procedures.* Hearings will generally follow the following procedure. The chair of the hearing may alter this procedure by agreement of the complainant and respondent or otherwise as necessary to ensure a fair hearing.

A. The chair reads introductions and description of the hearing procedures to the parties.

B. The chair reads the alleged violation(s) and asks the respondent either to accept or deny responsibility.

C. The complainant may make an opening statement (limited to ten minutes) followed by the opportunity of the respondent and the panel to ask questions of the complainant.

i. When the University is the complainant, the University will not give an opening or closing statement.

D. The respondent may make an opening statement (limited to ten minutes) followed by the opportunity of the complainant and the panel to ask questions of the respondent.

i. When the University is the complainant, the University will not ask questions of the respondent after the opening statement.

E. The complainant's witnesses may provide statements followed by the opportunity of the complainant, the respondent, and the panel to ask questions of the complainant's witnesses.

i. When the University is the complainant, the University may invite witnesses to answer questions from the panel and the respondent.

F. The respondent's witnesses may provide statements followed by the opportunity of the respondent, the complainant, and the panel to ask questions of the respondent's witnesses.

G. The panel or the chair may call witnesses to aid the panel. The panel or the chair may recall witnesses who previously appeared for the purpose of asking further questions.

H. The panel may ask questions of both parties and the parties may question each other.

I. The complainant may make a closing statement (limited to ten minutes). If the University is the complainant, the University will not make a closing statement.

J. The respondent may make a closing statement (limited to ten minutes).

K. The chair closes the hearing

L. The panel meets in executive session to deliberate; the chair will facilitate deliberations.

M. Please note the following:

i. The panel may ask questions of any party at any time.

ii. If either party is reluctant to ask questions of the other party or of any witnesses, they may submit a written list of questions that, if appropriate, will be relayed by the chair of the Hearing.

#### 7. *Deliberations and Decision.*

A. Once the hearing has concluded, the panel meets in executive session to reach its decision.

B. The Director of Community Standards or designee will be present during the sanctioning portion of the deliberations if the student is found responsible but will not have a vote. The Director of Community Standards or designee may be present during the finding portion of deliberation at the panel's request, but will not have a vote.

C. The panel decides first, using a preponderance of the evidence standard and based on a majority, if a respondent is responsible for committing one or more violations of Tufts policy or standards.

D. If a respondent is found responsible, the panel will then decide what is the appropriate sanction or sanctions to impose. In deliberations on sanctions, the panel may review any prior findings of responsibility of the respondent.

E. The sanctions available are described in Section V.CC.

F. Except as provided in Section V.DD the SRCB's decision is final.

G. Written notice of the decision is usually provided to the respondent, and when permitted, the complainant, no later than ten business days after the hearing.

8. *Record Keeping.* No audio or visual recording of any kind of is allowed during the hearing; no transcript of the hearing should be made. A documentary record of the proceedings will be kept in the files of the Office of Community Standards. This record should include: (1) the complaint and respondent's response, (2) all documents submitted at the hearing, and (3) the decision letter. This record does not summarize or otherwise attempt to preserve the hearing or deliberative discussions.

## L. PROCEDURES FOR A SANCTIONING HEARING

A sanctioning hearing is designed to facilitate a robust examination of the facts of a case by people of different perspectives in the community. Panel members are students, faculty, and staff who are trained in resolving cases according to the SCRP. Sanctioning hearings allow the complainant and respondent to appear before a panel of trained individuals who will consider all information relevant to sanctioning.

Sanctioning hearings do not attempt to create an adversarial or a courtroom environment, but rather are structured conversations with a decision-making panel. The proceedings provide an opportunity for complaints, responses, and evidence to be considered.

A sanctioning hearing may be convened to consider the conduct of a single student or student organization. A sanctioning hearing also may be convened to consider the conduct of multiple students or student organizations involved in the same incident or circumstances. If a sanctioning hearing is convened to consider the conduct of multiple students or student organizations, the panel determines the individual sanction separately. The panel also has the discretion to decide that individual sanctioning hearings should be convened instead of hearing the case collectively.

1. *Scheduling and Notice.* The sanctioning hearing is scheduled as soon as is reasonably possible after the respondent's written response has been received by the conduct officer or after the deadline for submission has passed.

A. Sanctioning hearings are scheduled based on the class schedules of the complainant, respondent, and witnesses and the panel members' availability. Sanctioning hearings are not scheduled around the availability of advisors, nor around extracurricular activities of complainants, respondents, or witnesses.

B. The complainant and respondent will be notified in writing of the date, time, and place of the sanctioning hearing at least five business days' in advance. The complainant and respondent are each responsible for notifying their advisor and their witnesses.

C. Both parties will be provided with guidelines for submitting documents for the hearing and a date by which any documents to be presented at the sanctioning hearing must be submitted.

i. All parties must certify that all materials submitted as their own constitute their own original work and must cite sources, editors, and collaborators appropriately.

ii. Information submitted following this date may only be included for consideration at the discretion of the chair.

iii. Following receipt of this information, the chair will assemble the documents and distribute them to the panelists, the complainant, and the respondent.

iv. The chair or the panel may request a fact-finding report from the Office of Community Standards or designee to be submitted.

2. *Panel.* The panel hearing any particular case shall be made up of five individuals who are members approved by the Office of Community Standards, which shall include at least three faculty and at least one student.

A. Both the complainant and the respondent have the right to a fair and impartial panel.

B. Normally, the names of panelists who will participate in a sanctioning panel will be given to the parties five business days prior to the hearing.

C. A panelist will be replaced if one of the parties in the case is able to demonstrate to the chair of the sanctioning panel, at least three business days before the scheduled sanctioning panel, that the panelist is not in a position to be impartial.

i. The panel or the chair will judge whether a panelist whose impartiality is questioned should remain on the panel.

ii. The mere fact that a panelist has taught or is teaching a class in which one of the parties was or is enrolled, or that a panelist has been or is in a class with a party, is not grounds, per se, for the disqualification of the panelist.

iii. The complaint and respondent can waive the minimum quorum of a panel in writing in order to allow the hearing to proceed with less than three panel members.

3. *Privacy.* Sanctioning hearings are open only to the complainant, complainant's advisor, respondent, respondent's advisor, scheduled witnesses, the panel, and the chair. No others are permitted to attend.
4. *Witnesses.* Eye witnesses are generally not used at the sanctioning hearing because the respondent has already accepted responsibility and the parties agree to the facts. Character witnesses will not be permitted to appear in person, but may submit a letter to be considered by the panel. The complainant and respondent may submit up to two character witnesses each. Expert witnesses are only allowed with the advance permission of the chair, which will only be granted in unusual circumstances.
5. *Chair's Role.* The chair facilitates the sanctioning hearing.
  - A. The chair may postpone or suspend a sanctioning hearing.
  - B. The chair may call a brief recess at any time during the sanctioning hearing.
  - C. At any time, the chair determines whether certain witnesses should appear and decides whether any particular question, statement, or information will be allowed during a sanctioning hearing. Formal rules of evidence that apply to civil or criminal judicial processes are not applicable.
  - D. The chair may call a particular witness.
  - E. The chair shall warn any participant deemed to be disruptive, harassing, or intimidating to any other participant and if appropriate, excuse any individual's presence at a sanctioning hearing, or take any other action deemed necessary by the chair to ensure an orderly sanctioning hearing.
6. *Sanctioning Hearing Procedures.* Sanctioning hearings will generally follow the following procedure. The chair of the sanctioning hearing may alter this procedure by agreement of the complaint and respondent or otherwise as necessary to ensure a fair hearing.
  - A. The chair reads introductions and description of the sanctioning hearing procedures to the parties.
  - B. The chair reads the alleged violation(s) and asks the respondent either to accept or deny responsibility. If the respondent denies responsibility, the sanctioning hearing ends and is referred for another resolution method.
  - C. The complainant may make an opening statement (limited to ten minutes) followed by the opportunity of the respondent and the panel to ask questions of the complainant.
    - i. When the University is the complainant, the University will not make an opening statement.



D. The respondent may make an opening statement (limited to ten minutes) followed by the opportunity of the complainant and the panel to ask questions of the respondent.

i. When the University is the complainant, the University will not ask questions of the respondent after the opening statement.

E. The panel or the chair may call witnesses to aid the panel.

F. The panel may ask questions of both parties and the parties may question each other.

G. The complainant may make a closing statement (limited to ten minutes). When the University is the complainant, the University will not make a closing statement.

H. The respondent may make a closing statement (limited to ten minutes).

I. The chair closes the sanctioning hearing

J. The panel meets in executive session to deliberate; the chair will facilitate deliberations.

K. Please note the following:

i. The panel may ask questions of any party at any time.

ii. If either party is reluctant to ask questions of the other party, they may submit a written list of questions that, if appropriate, will be relayed by the chair of the hearing.

7. *Deliberations and Decision.* Once the hearing has concluded, the panel meets in executive session to reach its decision.

A. The Director of Community Standards or designee will be present during the sanctioning panel's executive session but will not have a vote.

B. They formally find the respondent responsible.

C. The panel will then decide what is the appropriate sanction or sanctions to impose. In deliberations on sanctions, the panel may review any prior findings of responsibility of the respondent.

D. The sanctions available are described in Section V.CC.

E. Except as provided in Section V.DD the panel's decision is final.

F. Written notice of the decision is usually provided to the respondent, and when permitted, the complainant, no later than ten business days after the hearing.

8. *Record Keeping.* No audio or visual recording of any kind of us allowed during a sanctioning hearing; no transcript of the hearing should be made. A documentary record of the proceedings will be kept in the files of the Office of Community Standards. This record should include: (1) the complaint and respondent's response, (2) all documents submitted at the sanctioning hearing, and (3) the decision letter. This record does not summarize or otherwise attempt to preserve the hearing or deliberative discussions.

## M. PROCEDURES FOR A RESTORATIVE CONFERENCE

If a complaint is possibly a candidate for a restorative conference, a conference coordinator will contact the complainant and respondent to determine whether they are interested in participating. If a complaint is made by more than one individual, the individuals may participate as a group or through a representative(s). When the University is the complainant, the conduct officer will determine if a restorative conference is appropriate and may select a representative of the University to participate. The conduct officer will contact all other involved individuals with an invitation to participate. No person is required to participate in a restorative conference; complainants and respondents are free to choose another resolution method at any time.

If both the complainant and the respondent are willing to participate, a conference coordinator will facilitate separate pre-conference meetings with the complainant, the respondent, and other involved individuals. The purpose of the pre-conference meetings is to understand the perspectives of all involved individuals, educate the students about their role in the restorative conference, and prepare participants to discuss the harm that was done.

The complainant and respondent will be notified of all people who have been invited to participate at least three business days before the conference. The conference coordinator will schedule a restorative conference. The complaint, respondent, and other involved individuals will be notified of the date, time, and location of the restorative conference at least three business days in advance.

The conference coordinator will facilitate the conference, which will generally adhere to the following format:

1. *Conference Opening.* Conference coordinator sets shared expectations for conference and builds shared responsibility for outcome.
2. *Respondent tells their story.* In an effort to establish responsibility and repair relationships, the respondent shares what occurred and what harm was caused.
3. *Complainant and affected community members share their stories.* The complainant, followed by other involved people, are asked to describe how they have been impacted.

4. *Discussion*. Conference coordinator facilitates a discussion that leads to an agreement on what action to take to repair the harm that was done. Participants in the conference reach the agreement by consensus of everyone present.

5. *Signed Agreement*. Once the conference agreement is drafted, the conference coordinator collects signatures from conference participants and identifies action items.

6. *Conference coordinator closes conference*. Following the conference, the conference coordinator sends a copy of the signed agreement to all participants. The conference coordinator tracks the implementation of the outcomes.

## N. SANCTIONS

Violations of University policy are addressed through disciplinary sanctions, restitution, health and safety measures, and educational sanctions. Sanctions may be issued by the conduct officer or by the panel and may apply to students or student organizations. Sanctions also may be outcomes agreed upon at a restorative conference.

Sanctions may include but are not limited to those below.

1. *Warning*. A warning is a letter noting that a student or student organization's behavior violated University policy and further similar behavior may result in more serious disciplinary action. Warnings are a prompt to consider behavior more carefully in the future. A warning is not noted on a student's transcript.

2. *Reprimand*. A reprimand is formal notice that a student or student organization's actions violated University policy, that such actions are not acceptable in our community, and that further misconduct may result in more serious disciplinary action. Reprimand is a communication to the student or student organization that improved decision making is expected in the future. A reprimand is not noted on a student's transcript.

3. *Probation*. Disciplinary probation is a status indicating that a student or student organization has violated an important expectation of community membership. Probation communicates to the student that urgent action and significant change are required, and a warning that continued inappropriate behavior may result in disciplinary suspension. During the probation period, students and student organizations are directed to take active steps toward improving their behaviors and to demonstrate that they can uphold the standards of the Tufts community. Probation lasts for a specified period of time.

During the probationary period, students and student organizations are not considered to be in good standing at the University. Disciplinary probation may be noted on the transcript for a duration of time specified by the conduct officer or hearing panel.

A. The probationary period can be accompanied by a loss of privileges. For individual students, loss of privileges may include but is not limited to inability to hold certain campus employment and leadership roles, inability to study abroad, inability to participate in varsity athletics and certain other extracurricular activities. For student organizations, loss of privileges may include but is not limited to restrictions on social events or restrictions on use of funds.

4. *Disciplinary Suspension*. Suspension communicates that the respondent's behavior was inconsistent with the mission and values of Tufts University and the respondent must reflect and change in order to return to the academic community. A student on suspension may not be on campus or participate in any aspect of University life, including but not limited to classes, extra-curricular organizations, research, campus events, on-campus or University-recognized housing, and employment. Disciplinary suspension will be noted on the transcript, for a duration of time specified by the conduct officer or hearing panel.

A. Respondents will be required to complete additional sanctions or action items while suspended in order to be readmitted to the University. Readmission is coordinated through the Office of Community Standards and is contingent upon satisfaction of all requirements stated in the original sanction.

B. A student who is suspended after having satisfied all degree requirements will not be awarded their degree until the period of suspension is over and they have met all conditions for re-enrollment. The student may not participate in commencement exercises until the period of suspension is over and they have been approved to reenroll by meeting all the terms of the suspension.

5. *Expulsion*. Expulsion is permanent dismissal from the University without the possibility of readmission or reinstatement at any time in the future. Expulsion communicates that the respondent's behavior was fundamentally inconsistent with the mission and values of Tufts University and the respondent is no longer eligible to be a part of the Tufts community. Expulsion results in the forfeiture of all rights and degrees not conferred at the time of the expulsion. Expulsion disqualifies a student from participation in campus activities including classes and social events. Students who are expelled are not permitted to be on campus at any time for any reason. Expulsion is noted on the transcript permanently.

6. *Revocation of a Degree.* In instances where an individual is found responsible for a violation that rises to the level of permanent dismissal but is no longer enrolled at the University, the University may revoke that individual's degree. When a degree is revoked, the graduate forfeits all rights and responsibilities associated with the degree, and forfeits all tuition and fees. All restrictions outlined under permanent dismissal also apply, including the prohibition from readmission to be a student at Tufts University in the future. Revocation of a degree is listed on the transcript permanently.

7. *Suspension of Student Organization Recognition.* Suspension of student organization recognition is the temporary termination of the University's recognition of a student organization. While a student organization is suspended, it may not exercise any of the benefits of recognition, including the use of University facilities, the use of the University's name or logo, the use of the University's electronic resources (including web hosting), access to University funds or banking, bulletin board and room reservations, etc. While a student organization is suspended, the organization may also be sanctioned by loss of approval for student organization residence.

A. The conduct officer or hearing panel may require communication of the student organization's suspended status to all student members of the organization and to prospective organization members. In all cases, notification of the suspension will be sent to the appropriate governing groups and the Office of Campus Life.

B. The conduct officer or hearing panel may specify conditions that the student organization must meet before being eligible to petition for a return to recognized status and may also specify conditions which must be met upon return to registered or recognized status. These conditions will be in addition to the recognition requirements that any other prospective student organization would be required to complete before achieving registered or recognized status.

C. At the end of a suspension period, a suspended student organization must petition for permission to return to registered or recognized status through the OCS, demonstrating that all requirements of the suspension have been satisfied and that there have been no additional violations. If the petition is approved, the suspended organization must also complete the standard recognition or registration process that is in place for student organizations of its type at the time of return.



Depending on type of organization, this standard process may include approval from national organizations of which the student organization would be a local chapter; securing approval from the Tufts Community Union Judiciary or other relevant governing body; securing a faculty or staff advisor; or other process that is in place at the time of the petition. A student organization can only return to registered or recognized status after the OCS has approved a petition to return and all the normal criteria for achieving registered or recognized status are achieved.

8. *Revocation of Recognition.* Revocation of recognition is the permanent termination of the University's recognition of a student organization. If recognition is permanently revoked, a student organization is not permitted to return to recognized status at any time, in any capacity. After a student organization has recognition revoked, it may not exercise any of the benefits of recognition, including the use of University facilities, the use of the University's name or logo, the use of the University's electronic resources (including web hosting), access to University funds or banking, bulletin board and room reservations, etc. Revocation of recognition also necessitates a loss of approval for student organization residence, if applicable.

9. *Loss of Approval for Student Organization Residence.* For student organizations that operate University-approved housing for their members, loss of approval for student organization residence means the temporary or permanent termination of University-approved housing status and will require all active members to move out of the organization's formerly approved housing. The conduct officer or hearing panel shall specify the duration of the temporary prohibition or indicate a permanent loss of approval for organization residence.

10. *Removal from or Relocation within On-Campus Housing.* A student or student organization may lose the privilege to reside in all on-campus housing or to reside in a specific residence hall, house, building, or other residence.

11. *Loss of Privileges.* A student or student organization may lose privileges for a specified period of time. Such privileges including the ability to have a car on campus, parking privileges, participation in certain events, access to electronic resources, access to residence halls, suspension of visitation privileges to residence halls, or use of Tufts-owned equipment. Loss of privileges also may entail the loss of membership or leadership positions such as student staff positions in the Office of Residential Life and Learning, leadership positions in Pre-Orientation programs, or positions on athletic teams.

12. *Grade Change*. If found responsible for academic misconduct, a grading consequence is issued by the instructor of the course based on the recommendation of the conduct officer or hearing panel. Typical grading consequences include a zero or failing grade on the assignment or in the course.
13. *Notification of Parent(s) and/or Legal Guardian(s)*. A student's parent(s) and/or legal guardian(s) may be notified of the violation.
14. *Notification to National Organization Representatives, Officers, or Advisers (Student Organization or Group only)*. A student organization's national representative, officers, and/or advisers may be notified of the violation for which the student organization has been found responsible.
15. *Notification of University Officials*. University officials may be notified of a student's consequence/sanction, depending on the nature of the violation. Officials may include but are not limited to academic advisors, members of residential staff, professors, department heads, supervisors, or coaches.
16. *Restitution*. Restitution is the payment for all or a portion of injury or damages to person(s) or property caused by an individual or a group.
17. *Substance Abuse Assessment*. Students may be assigned to obtain a substance abuse assessment from an appropriate professional. The student will typically be required to complete any education or treatment that is recommended as a result of the assessment.
18. *Participation in a Workshop, Training, Course, or Seminar*. Students or student organizations may be required to complete an educational program. Such programs may include plagiarism prevention tutorials, bystander intervention training, workshops about hazing prevention, an Academic Integrity Seminar, or other relevant educational program.
19. *Required Writing Project*. Students or student organizations may be assigned to complete written reflections or projects. Such projects may include reflection essays, proposals to address a campus issue, research reports, or other written projects. Written projects are expected to exhibit the quality of writing expected of University students.
20. *Personal Accountability Plan*. Students may be assigned to consider the factors that led to the violation and create personal, academic, professional, and/or other goals to avoid future violations. Personal Accountability Plans typically include required metrics to assess progress toward a student's stated goals and follow-up meetings to discuss progress.
21. *Required Meeting(s) with the Dean of Student Affairs Office*. Students or student organizations may be required to attend one or more meetings with the conduct officer or another advisor in the Dean of Student Affairs Office.

22. *Referral to other offices or services.* Students or student organizations may be asked to meet with or attend programs facilitated by other offices on campus. Referrals may include a meeting with an academic advisor, workshops at the Academic Resource Center, or other relevant services.

23. *Restorative Actions.* Restorative actions require a student to engage in actions to restore the impact of a violation and repair the harms resulting from misconduct on other members of the community. These actions may include letters of apology, drafting and implementing a plan of resolution, and developing plans for reintegration. Restorative Actions also may include any plan of behavioral changes agreed to during a Restorative Conference.

24. *Additional Sanctions.* Additional sanctions may be imposed such as projects, community service, removal from activities, and other sanctions as the conduct officer or hearing panel deems appropriate.

## O. Appeals

The appeal process is designed to ensure that decisions reached as a result of the SCRCP are fair. The appeal is not a re-hearing, or an opportunity to request reconsideration, but rather a review of the record by impartial community members who were not involved in reaching the original decision designed to ensure the decision reached was consistent with the SCRCP and with fundamental fairness.

Both parties may appeal a decision made by a conduct officer or by a hearing panel. If the University is the complainant, the University may not appeal. Decisions reached at restorative conference are not subject to appeal. The appeal must be filed using the online form on the Community Standards homepage within ten business days of the notification of the disciplinary decision. The appeal must specifically state the grounds for the appeal and the information or evidence in support of the appeal.

There are only three grounds on which to appeal a decision reached as the result of an Administrative decision, hearing, or sanctioning hearing. They are:

1. *Newly Available Information.* There exists substantive and relevant information that was not available to the parties at the time of the resolution or could not have been discovered through due diligence at the time of the original resolution.
2. *Denial of Fair Process.* There was a substantial departure from the procedures outlined in the Student Conduct Review Process that significantly affected the fairness of the process.

3. *Severity of the Consequences.* The sanction is at significant variance with the range of sanctions appropriate in the situation.

The appellate body is the Committee on Student Life. The CSL is a standing committee composed of members of the faculty, appointed by the faculty of the Colleges of Arts and Sciences and Engineering, by students elected at large by the student body, and by a representative of the Graduate Student Council. The appeal is received and reviewed by the co-chairs of the Committee on Student Life (CSL). If one or more of the co-chairs determines that the appeal adequately presents an argument that one or more of the grounds for appeal is met, then the co-chairs will convene an CSL for an appellate panel. If no co-chair forwards the appeal to the full committee, the appeal is denied and the parties are notified. This denial is final and the SCRП concludes.

The purpose of the appellate panel is to consider the grounds for appeal as submitted by the person appealing the decision. An appellate panel will generally adhere to the procedures below.

1. *Panel.* The panel hearing any particular appeal shall be made up of individuals who are members of the CSL. In accordance with the Bylaws of the Faculty of Arts, Sciences and Engineering, the quorum for all appeals heard by the CSL shall be three faculty and two student members.
  - A. Both the complainant and the respondent have the right to a fair and impartial appellate panel.
    - i. A member of the CSL will be recused if one of the parties in the case is able to demonstrate to the co-chairs of the CSL, at least three business days before the scheduled appellate panel, that the member is not in a position to be impartial.
    - ii. A CSL member may ask to recuse themselves if they believe that they are not in a position to be impartial.
    - iii. The CSL co-chairs will judge whether a member whose impartiality is questioned should remain on the panel.
    - iv. The mere fact that a member has taught or is teaching a class in which one of the parties was or is enrolled, or that a panelist has been or is in a class with a party, is not grounds, per se, for the disqualification of the panelist.
    - v. The complaint and respondent can waive the minimum quorum of a panel in writing in order to allow the appellate consideration to proceed with less than five panel members.

2. *Participation*. Neither the complainant nor the respondent will be present during the appeal. The appellate panel will consult with the conduct officer or hearing chair involved in the original Administrative decision, hearing, or sanctioning hearing. The appellate panel may consult members of the original hearing panel. The Director of Community Standards or designee will be present during the appellate consideration to assist the panel. If the Director of Community Standards is the original conduct officer, the Director will designate another individual to assist the panel.
3. *Chair*. The co-chairs of the CSL will designate an individual member of the CSL, typically a co-chair, to convene the appellate panel.
4. *Case Record Review*. The appellate panel will be provided with a written record of the case.
  - A. The documents provided to the appellate panel will include the complaint, response, outcome letter, and any evidence and/or supporting documentation submitted at the hearing as well as the appeal letter.
  - B. Documents may be admitted or omitted at the discretion of the Director of Community Standards or designee.
  - C. The appellate panel will review the case materials.
  - D. The appellate panel will ask clarifying questions of the chair of the original hearing or conduct officer.
5. *Deliberations and Decision*. Once the appellate panel hearing has concluded, the panel meets in executive session to reach its decision.
  - A. The Director of Community Standards or designee will be present to assist the panel, but will not be a voting member of the panel.
  - B. The panel may reach a decision by a simple majority.
6. *Appeals outside of CSL Session*. Should an appeal occur when the CSL is not in session, the co-chairs of the CSL or designees will act as the appellate officers.
  - A. In the case of an appeal heard by the co-chairs of the CSL or designees, the co-chairs or designees will review the case materials, ask clarifying questions of the conduct officer or chair, and come to a determination.
7. *Outcome of Appeals*. An appeal may result in any of the following options:
  - A. The appellate panel or officer may deny the appeal and uphold the original decision. In this case, the decision is final and the SCRP concludes.
  - B. The appellate panel or officer may accept the appeal and direct one of the following actions to occur:



i. For appeals made on the grounds of new evidence, the case will be remanded to the conduct officer or hearing panel that resolved the case originally to consider the new evidence.

1. If the original conduct officer or hearing panel members are unavailable, a new hearing panel or conduct officer will decide the case.

ii. For appeals made on the grounds that there was a denial of fair process, the case will be the case will be remanded to a new Administrative decision, hearing, or sanctioning hearing.

iii. For appeals made on the grounds of the severity of the sanction, the appellate panel or officer may alter the original sanctions' terms or assign new sanctions. The appellate panel or officer may assign sanctions that are less severe, more severe, or simply different. The full range of potential consequences is available to the appellate panel or officer.

8. *Notification of Outcome of Appeal.* A written notice of the decision is provided to a respondent no later than ten business days after the appellate panel.

A. The final decision will be communicated to the same people who received notice of the decision and to any other University officials who need to be aware of it in order to permit them to fulfill their professional responsibilities.

B. This appellate decision by the CSL or the appellate officer is final.

## P. ALLEGATIONS AGAINST FORMER STUDENTS

The student conduct resolution process may be used to resolve complaints against former students and former student organizations. All allegations of discrimination or harassment, including sexual misconduct, against former students shall be referred to the OEO. OEO does not have a statute of limitations on these matters and will resolve these matters in accordance with the Sexual Misconduct and Non-Discrimination policies and processes.

Due to the rarity of such cases, the retroactive and permanent nature of the sanction, and the special circumstances surrounding each such case, the student conduct review process includes the following special procedures to respond to such complaints:

1. The Director of Community Standards or designee will conduct an initial review of each complaint to determine whether, based on the allegations presented on the face of the complaint, it is appropriate to move forward with an internal investigation or resolution of the case.

A. In order to be eligible for internal investigation or student conduct review process resolution, a complaint against a former student or student organization must:

B. Allege conduct that occurred while the respondent was a student or a registered or recognized student organization and that was against University policy at the time of the alleged conduct.

C. Allege conduct that would have resulted in a consideration of expulsion if the complaint had been submitted while the respondent was a student, or that would have resulted in the consideration of permanent revocation of recognition for a student organization.

D. Not allege misconduct of which the Dean of Student Affairs Office had sufficient knowledge in time for a reasonable opportunity to adjudicate prior to the student's graduation.

i. The Director of Community Standards or designee can waive this limitation upon determination that good cause exists to do so.

E. Have occurred within the following time frame:

i. For allegations of academic misconduct, there shall be no time limit.

ii. For allegations of all other misconduct, the Dean of Student Affairs Office will generally not consider complaints that allege misconduct that occurred more than two years prior to the date the complaint is made.

1. The Dean of Student Affairs may waive this limitation upon a petition from the complainant documenting that good cause exists to do so.

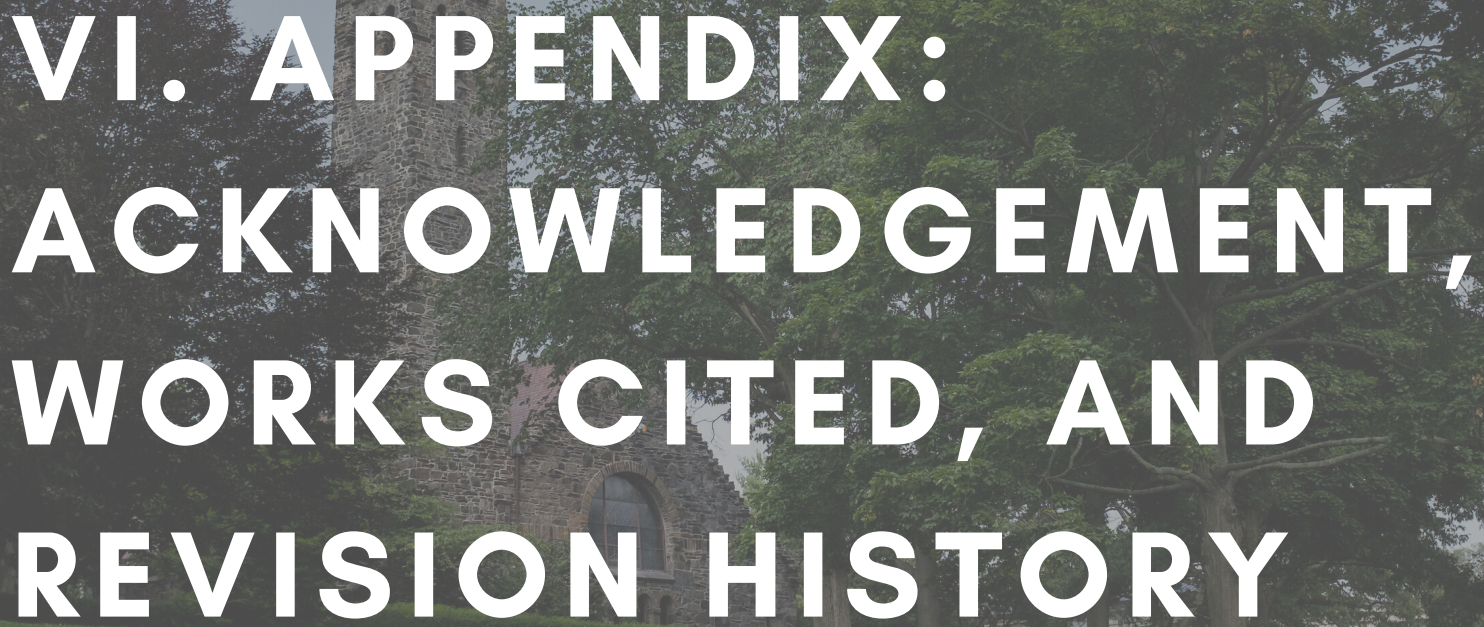
2. Have a compelling and current nexus to the University (this can include, without limitation, any ongoing status of the respondent at the University; the University's need to maintain a safe campus; the ongoing status of the complainant, witnesses, or other people involved in the case at the University; the University's need to maintain integrity in academic programs; the need to correct ongoing misconduct; and other similar criteria) or in the judgment of the Director of Community Standards or designee raise an issue of significant importance to the University. In determining this point, the Director of Community Standards or designee shall consider the case holistically and shall have wide discretion.

2. As a result of this initial review, the Director of Community Standards or designee can choose to request an internal investigation and, at the conclusion of the investigation, conduct an adjudication of the case per normal student conduct review process. The Director of Community Standards or designee also may determine that the case will not move forward.
  - A. The Director of Community Standards or designee's decision on whether to permit a complaint against a former student or student organization to be investigated or resolved by the student conduct review process is final and not subject to appeal.
3. If the preceding conditions are met and a graduate is found responsible for misconduct occurring prior to the individual graduating from the University, the resulting sanction may be revocation of the individual's degree.
  - A. It is expected that the sanction of degree revocation will be reserved for the most serious policy violations.
  - B. Other sanctions may include without limitation: temporarily or permanently banning a graduate from being on campus, participating in University-sponsored programs, or returning to Tufts in the future for further study or employment; transcript notation of disciplinary action; restitution; and any other sanctions that the Director of Community Standards or designee or panel determines are appropriate.
4. All other components of the student conduct review process that are not specifically modified by this section, including the appeal options, remain in effect and will be applied to a case of degree revocation.

## Q. RECORD KEEPING

Records of disciplinary investigation and action are maintained in the Dean of Student Affairs Office. These records are considered private and internal. Accordingly, they are only released outside of the University at the student's request or in accordance with federal law and the standards in Section VII : Appendix. In most cases, records are maintained for seven years from the date of the incident. In cases involving suspension, expulsion, degree revocation, student organization suspension or revocation of recognition; cases where the student withdraws while a charge is pending; cases with incomplete sanctions; cases involving litigation; and other cases designated by the Dean of Students, the Director of Community Standards, or designee, the records will be maintained indefinitely.

Because of their nature as a community group, student organizations do not have the same privacy interest as individual students. The community has an interest in knowing an organization's current disciplinary status and recent history of policy violations. Accordingly, a summary of the violation and sanction is published online when a student organization is found responsible. No individual student information is published as part of this information.



# VI. APPENDIX: ACKNOWLEDGEMENT, WORKS CITED, AND REVISION HISTORY

## WORKS CITED

The language and ideas in this document were informed by other institution's policies, procedures, and written statements. Documents from Amherst College, Boston College, Bowdoin College, Columbia University, the College of William and Mary, Duke University, the Massachusetts Institute of Technology, New York University, Northwestern University, Oklahoma State University, and the University of Virginia were reviewed in creating and revising the policies that make up the Student Code of Conduct.

These policies also draw on:

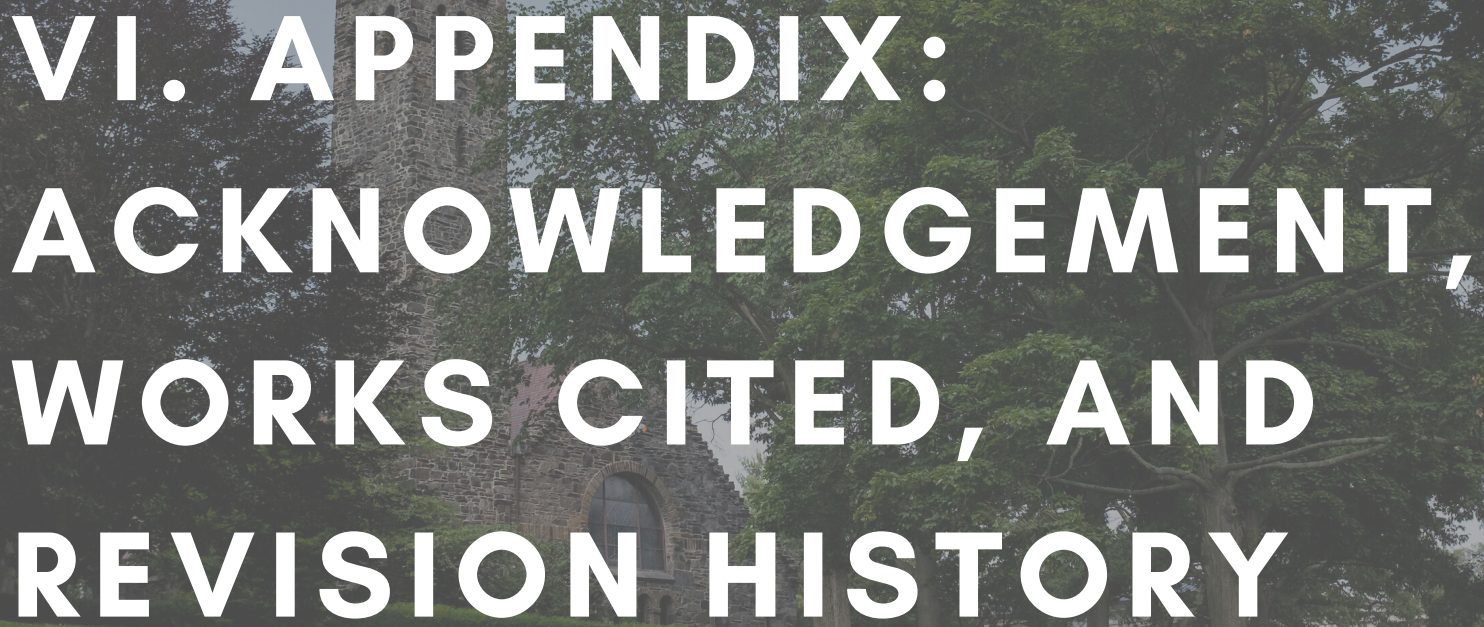
- Fischer, W., Lewis, W. S., Lowery, J. W., Schuster, S. K., Sokolow, B. A., & Swinton, D. C. (2013). A developmental framework for a code of student conduct: The NCHREM Group model code project. Available online at <https://tngconsulting.com/resources/model-code-project>.
- Stoner, E. N. & Lowery, J. W. (2004). Navigating past the "Spirit of insubordination": A twenty-first century model student conduct code with a model hearing script. *Journal of College and University Law*, 31(1), 1-78.



## REVISION HISTORY

The most updated version of the Student Code of Conduct is available online and in print from Office of Community Standards. The Dean of Student Affairs or designee has the authority to revise the Student Code of Conduct as necessary and approves all changes to the Student Code of Conduct. If you would like to propose a change to the Student Code of Conduct or are interested in participating in further reviews, contact the Office of Community Standards.

<b>Date Effective</b>	<b>Policies Changed</b>	<b>Additional Information</b>
July 1, 2020	Revised Gatherings, Protests, and Demonstrations policy	Changes made were in response to the COVID-19 pandemic.
July 1, 2019	Revised University statement on academic integrity and created Academic Misconduct policy	The executive committee of the faculties of Arts & Sciences and Engineering endorsed the changes in spring 2019, following the fall 2018 recommendation of the Committee on Student Life (CSL) and a special CSL working group that included additional students and faculty.
December 1, 2018	Revised Gatherings, Protests, and Demonstrations policy	Changes recommended by the Committee on Student Life (CSL).
August 31, 2018	Comprehensive revision to the entire Student Code of Conduct	Changes recommended by the Committee on Student Life (CSL) and a special CSL working group that included additional students and faculty.



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# VII. APPENDIX: FERPA, PRIVACY, AND STUDENT RIGHTS

## **FERPA: Notice of Student Rights with Respect to Education Records**

### FERPA POLICY

#### **Purpose:**

The Family Educational Rights and Privacy Act of 1974 (FERPA) is a federal law that sets out requirements for the protection of privacy of students and their parents. This policy is designed to help students and, in some cases, their parents understand how to access their education records, how to amend them, and, if they wish, how to prevent their disclosure to third parties.

Tufts University complies with FERPA through this policy and other school-specific practices.

#### **Scope:**

This policy applies to all schools and divisions at Tufts University.

#### **Policy Statement:**

FERPA provides students and, in some cases, their parents\* certain rights with respect to their educational records. In general, these rights include:

1. *The right to inspect and review education records (with certain limited exceptions) within 45 days of the day Tufts receives a student's request for access.* A student should submit any such request to the Registrar's Office in writing, identifying the specific records that the student wishes to inspect. The Registrar's Office will make arrangements for access and notify the student of the time and place where the records may be inspected. Many education records (including transcripts) can be requested online through the Student Information System (SIS), without having to file a formal FERPA request. For more ways to access your education records, see the "Academic" tab on SIS.

2. *The right to request the amendment of education records if the student believes they are inaccurate.* Students should submit any such request to the Registrar's Office in writing, clearly identifying the records that the student wants to have amended and specifying the reasons the student believes those records to be inaccurate. The Registrar's Office will notify the student of the University's decision whether to amend the student's records. If the University decides not to amend the student's records, the Registrar's Office will inform the student of the right to a hearing regarding the student's request for amendment.

3. *The right to require Tufts to obtain the student's written consent before releasing personally identifiable information from the student's education records unless an exception applies.*

## DEFINITIONS

**Student** is defined, for purposes of this policy, as someone who is (or someone who has) officially matriculated at the University, and who attends (or has attended) classes at Tufts. This definition does not include prospective students or applicants.

**Education Records** are records that are directly related to a student and that are maintained by the University or by a party acting on its behalf. Common examples of education records include: grades, transcripts, class lists, course schedules, disciplinary records, disability accommodation or accessibility service records, date and place of birth, parent/guardian address, contact information, work study/fellowship records, and, in some cases, email sent by faculty and staff.

**Exclusions to Education Records.** However, not all records maintained by the University are considered education records. The following are generally not considered education records:

- Records created by a school official as a personal memory aid (such as notes of a private telephone conversation).
- Records of the Tufts University Police Department which are maintained separately and solely for law enforcement purposes.



- Most records created and maintained by a physician, psychiatrist, psychologist or other treatment purposes. Even though these records are not considered education records under FERPA, they may still be made available to students following completion of a HIPAA release form.
- Records pertaining to a former student other than those generated when that person was a student, such as alumni records.

**Personally identifiable information** includes a student's name, address or other information that would allow a student to be identified. FERPA generally prohibits the University from disclosing personally identifiable information from a student's education record without the student's consent unless the information has been designated as directory information or another exception applies.

**Directory information** consists of the following:

- Student's name
- Address (both local and permanent)
- Telephone number (local, cell and permanent)
- Date and place of birth
- Academic program (school, degree, major, minor)
- Enrollment status (dates of attendance, full-time/part-time status)
- Degrees, honors and awards received
- Participation in athletics and student activities
- Most recent educational institution attended
- Email address
- Photo

**Privacy Blocks** are available to students who wish to prevent the University from disclosing their directory information (in student directories and commencement programs, for example) by selecting the appropriate privacy settings through SIS. For additional information about privacy blocks, please contact the Registrar's Office.

## RELEASE OF YOUR RECORDS TO THIRD PARTIES

Any request or authorization to allow material from your files to be shown to third parties should include: (1) a specification of the records to be disclosed; (2) the purpose of the disclosure; and (3) the party or class of parties to whom disclosure may be made. A copy of your request to obtain and disclose information to a third party will be retained. For additional information about authorizing disclosures from your education records, please contact the Registrar's Office.

Personally-identifiable information ("PII") from your education records may not be given to third parties without your written consent, with the following exceptions:

- **Directory information** may be published and made available to third parties even if it includes PII (such as your name, email and photo); to prevent disclosure of your directory information to third parties, you must register for an official Privacy Block through SIS.
- PII may be disclosed to **Tufts officials** such as employees and members of faculty and trustee committees, or to vendors and contractors who have a need to know or who are required to work with your records to carry out their duties.
- PII may be disclosed to officials of **other educational institutions** in which you seek to enroll. If your record is transferred to another institution, however, you will be entitled, upon request, to a copy of such records. This applies to other schools and colleges within the University and to programs in which you may be cross-registered or enrolled at the University.
- PII may be disclosed to **authorized representatives** of the U.S. Comptroller General, the U.S. Attorney General, the U.S. Secretary of Education, or state and local authorities or other professional organizations in connection with an audit or evaluation of federal or state supported education programs.
- PII may be disclosed to an individual or organization required to be informed in connection with your application or receipt of **financial aid**.
- PII may be disclosed to **state and local officials** to whom information is specifically required to be reported by state laws enacted prior to November 19, 1974.
- PII may be disclosed to appropriate parties in a **health or safety emergency** if necessary to protect your health or safety or that of another.
- PII may be disclosed in compliance with a **subpoena**, or in response to other legal action involving the student and the University.
- PII may be disclosed when the information is a record of a campus **disciplinary proceeding**. For students under the age of 21, the University may also inform parents and legal guardians about violations of any federal, state, or local law, or any University rule or policy that governs the **use or possession of alcohol or a controlled substance**.
- PII may be disclosed to **accrediting organizations** that are legally authorized to evaluate the quality of educational training in institutions or programs.
- PII may be disclosed when releasing information to appropriate parties conducting **educational studies**. De-identified student data from education records may be released for this purpose. Procedures are taken to ensure that personally identifiable information cannot be traced back to a particular student or their parents.

FERPA does not require the University to preserve students' education records in perpetuity. In fact, there is no specific record retention requirement. As a general matter, most education records are not maintained for more than 7 years after a student's expected date of graduation. For specific questions about record retention, please contact the registrar's office.

## COMPLAINT PROCEDURE

A student has the right to file a complaint with the U.S. Department of Education concerning alleged failures by Tufts to comply with the requirements of FERPA. A complaint must be submitted to the Department within 180 days of the date of the alleged violation or of the date that the student knew or reasonably should have known of the alleged violation. The name and address of the office that administers FERPA and accepts such complaints is: Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue, SW, Washington, DC 20202-4605.

## REVISION

The University reserves the right to change this policy from time to time. Proposed changes will normally be developed by those responsible for the policy with appropriate stakeholders. The approval entities have sole authority to approve changes to this policy.

## Parental Notification/Privacy

### POLICY

**Parent** is defined, for the purposes of this policy, as a parent of a student and includes a natural parent, a guardian or an individual acting as a parent in the absence of a parent or a guardian.

Tufts encourages families to discuss and establish clear expectations for how they will share information from students' education records before classes start and well before grades come in. In general, parents have greater access and play a more active role in managing education records where the student is (i) a minor child (under the age of 18), (ii) enrolled in a primary or secondary program (rather than a post-secondary or graduate-level program), and (iii) a tax dependent. However, we recognize that parents' level of involvement varies from family to family, student to student, and year to year. Students who wish to provide parents with access to their education records, can do so through the privacy settings on SIS.



# VIII. APPENDIX: ALCOHOL AND DRUG LAWS AND EDUCATION

## MASSACHUSETTS LAW

The welfare and safety of students and their guests are central to the university's policies on alcohol and other drugs. At the same time, the university must adhere to the requirements of federal and state law.

All members of the Tufts community and their guests are expected to abide by the laws of the Commonwealth of Massachusetts. These laws include the following essential elements:

- Individuals under the age of twenty-one may not buy, possess, or consume alcoholic beverages.
- No individual, regardless of age, may carry open containers of alcoholic beverages in public, including outside of buildings (except in the context of a controlled outdoor event where alcohol is served to those of age), public areas of residence halls, lounges, or other college buildings (except for areas that have been reserved and have controls in place for a registered event).
- No one may provide alcohol to individuals who are under twenty-one years of age.
- No individual may possess or use illegal substances or misuse prescription drugs.



- No one may sell tickets or charge admissions to events where alcohol is present without a valid license to sell alcohol.
- It is illegal to misrepresent one's age, or to possess or use falsified identification. See the section in this handbook on fraudulent use of identification.
- The cities of Medford and Somerville have ordinances related to open containers of alcohol in public areas, regardless of age.

## COUNSELING AND TREATMENT FOR ALCOHOL AND OTHER DRUGS ABUSE

The University encourages Tufts students with alcohol and other substance abuse problems to seek assistance and treatment. At Tufts, a variety of resources exist where additional information can be obtained about alcohol and other substance abuse and forms of treatment.

For students on the Somerville/Medford campus, support is available from the following:

- Health Promotion and Prevention – 617-627-3861
- Counseling and Mental Health Service (CMHS) – 617-627-3360

The Dean of Students Affairs Office (617-627-3158) and the University Chaplain's office (617-627-3427) are available for referrals to other resources in the community. The Dean of Student Affairs Office also assists student through the re-entry process for any leave taken (personal, medical, or disciplinary).

## HEALTH RISKS OF ALCOHOL

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 that the driver will be involved in an accident. Low to moderate doses of alcohol also increase the incidence of a variety of aggressive acts, including 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 the liver.

Those who drink alcohol during pregnancy may give birth to infants with fetal alcohol syndrome. These infants have irreversible physical abnormalities and intellectual disabilities. In addition, research indicates that the children of alcoholic parents are at greater risk of becoming alcoholics.

## HEALTH RISKS OF CONTROLLED SUBSTANCES: POSSIBLE EFFECTS OF OVERDOSE AND WITHDRAWAL SYNDROME

### **Narcotics**

- Possible Effects: Euphoria, drowsiness, respiratory depression, constricted pupils, nausea
- Possible Effects of Overdose: Slow and shallow breathing, clammy skin, convulsions, coma, possible death
- Withdrawal Syndrome: Watery eyes, runny nose, yawning, loss of appetite, irritability, tremors, panic, cramps, nausea, chills and sweating

### **Depressants**

Possible Effects: Slurred speech, disorientation, drunken behavior without odor of alcohol

Possible Effects of Overdose: Shallow respiration, clammy skin, dilated pupils, weak and rapid pulse, coma, possible death

Withdrawal Syndrome: Anxiety, insomnia, tremors, convulsions, possible death

### **Stimulants**

- Possible Effects: Illusions and hallucinations, poor perception of time and distance
- Possible Effects of Overdose: Longer, more intense “trip” episodes, psychosis, possible death
- Withdrawal syndrome not reported

## Hallucinogens

- Possible Effects: Euphoria, relaxed inhibitions, increased appetite, disoriented behavior
- Possible Effects of Overdose: Fatigue, paranoia, possible psychosis
- Withdrawal Syndrome: Insomnia, hyperactivity, and decreased appetite occasionally reported

## LOCAL, STATE, AND FEDERAL SANCTIONS CONCERNING ALCOHOL AND OTHER DRUGS

Local, state, and federal laws make the illegal use of drugs and alcohol a criminal offense. Conviction can lead to imprisonment, fines, and other penalties.

Cities and towns in Massachusetts prohibit public consumption of alcohol and impose fines for violation. The Department of Conservation and Recreation also prohibits public consumption of alcohol in its parks and public recreational areas. Boston and other cities and towns surrounding the various Tufts campuses have ordinances forbidding the possession of an open container of alcohol on any public street by any person of any age. Anyone choosing to violate such ordinances can be subject to arrest.

Massachusetts' law prohibits the sale or delivery of alcoholic beverages to persons under age 21 with a fine of up to \$2,000 or twelve months' imprisonment, or both. Misrepresenting one's age or falsifying an identification to obtain alcoholic beverages is punishable by fine. Included among penalties for the first conviction of driving under the influence of alcohol under Massachusetts law are a \$5,000 fine, a one-year revocation of the person's license, up to two and one half (2 ½) years in prison, and mandatory alcohol rehabilitation.

Massachusetts imposes criminal penalties for the possession and/or distribution of controlled substances, or drugs, without valid authorization, with penalties varying as to the type of drug. Sale and possession of "drug paraphernalia" is illegal in Massachusetts. Under both Massachusetts and federal law, penalties for possession, manufacture, and distribution are greater for subsequent convictions, including mandatory prison terms and the full minimum term must be served.

Massachusetts makes it illegal to be in a place where heroin is kept and to be “in the company” of a person known to possess heroin.

Persons convicted of drug possession under state and federal law are ineligible for federal student grants and loans for up to one year after the first conviction and up to five years after the second. The penalty for unlawful distribution of drugs is loss of benefits for five years after the first conviction and for a longer period after the second.

Under federal law, penalties may be doubled when a person who is at least 18 years old distributes drugs within 1,000 feet of a public or private elementary or secondary school, or a public or private college to persons under 21 years of age and may include a mandatory one-year prison term.

## FEDERAL PENALTIES AND SANCTIONS FOR ILLEGAL POSSESSION OF A CONTROLLED SUBSTANCE

### **21 U.S.C. 844(a)**

- 1st conviction: Up to 1 year imprisonment and a fine of at least \$1,000, or both.
- After 1 prior drug conviction: At least 15 days in prison, not to exceed 2 years, and a fine of at least \$2,500 or both.
- After 2 or more prior drug convictions: At least 90 days in prison, not to exceed 3 years and a fine of at least \$5,000, or both.

### **21 U.S.C. 853(a)(2) and 881(a)(7)**

- Forfeiture of personal and real property used to possess or to facilitate possession of a controlled substance if that offense is punishable by more than 1-year imprisonment. (See special sentencing provisions re: (crack).)

### **21 U.S.C. 881(a)(4)**

- Forfeiture of vehicles, boats, aircraft or any other conveyance used to transport or conceal a controlled substance.

### **21 U.S.C. 884a**

- Civil fine of up to \$10,000 (pending adoption of final regulations).

### **21 U.S.C. 853a**

- Denial of Federal benefits, such as student loans, grants, contracts, and professional and commercial licenses, up to 1 year for first offense, up to 5 years for second and subsequent offenses.

## Miscellaneous

- Revocation of certain Federal licenses and benefits, e.g. pilot licenses, public housing tenancy, etc., are vested within the authorities of individual Federal agencies.

## FEDERAL TRACKING POLICIES

Methamphetamine (10-99 gm or 100-999 gm mixture)

Heroin (100-999 gm mixture)

Cocaine (500-4999 gm mixture)

Cocaine Base (5-49 gm mixture)

PCP (10-99 gm or 100 - 999 gm mixture)

LSD (1-10 gm mixture)

Fentanyl (40-399 gm mixture)

Fentanyl Analogue (10-99 gm mixture)

- 1st conviction: Not less than 5 years; not more than 40 years. (If death or serious injury: Not less than 20 years; not more than life.) Fine of not more than \$2 million (individual).
- 2nd conviction: Not less than 10 years; not more than life. (If death or serious injury: Not less than life.)

Methamphetamine (100+ gm or 1+ kg mixture)

Heroin (1+ kg mixture)

Cocaine (5+ kg mixture)

Cocaine Base (50+ gm mixture)

PCP (100+ gm or 1+ kg mixture)

LSD (10+ gm mixture)

Fentanyl (400+ gm mixture)

Fentanyl Analogue (100+ gm mixture)

- 1st conviction: Not less than 10 years; not more than life. (If death or serious injury: Not less than 20 years; not more than life.) Fine of not more than \$4 million (individual).
- 2nd conviction: Not less than 20 years; not more than life. (If death or serious injury: Not less than life.)

### Marijuana (1,000 kg or more mixture; or 1,000 or more plants)

- 1st conviction: Not less than 10 years; not more than life. (If death or serious injury: Not less than 20 years; not more than life.) Fine of not more than \$4 million (individual).
- 2nd conviction: Not less than 20 years; not more than life. (If death or serious injury: Not less than life.) Fine of not more than \$8 million (individual).

### Marijuana (100-999 kg mixture; or 100-999 plants)

- 1st conviction: Not less than 5 years; not more than 40 years. (If death or serious injury: Not less than 20 years; not more than life.) Fine of not more than \$2 million (individual).
- 2nd conviction: Not less than 10 years; not more than life. (If death or serious injury: Not less than life.) Fine of not more than \$4 million (individual).

### Marijuana (50-99 kg mixture; or 50-99 plants)

1st conviction: Not more than 20 years. (If death or serious injury: Not less than 20 years; not more than life.) Fine of not more than \$1 million (individual).

2nd conviction: Not more than 30 years. (If death or serious injury: Not less than life.) Fine of not more than \$2 million (individual).

### Marijuana (<50 kg mixture; or < 50 plants)

- 1st conviction: Not more than 5 years. Fine of not more than \$250,000 (individual).
- 2nd conviction: Not more than 10 years. Fine of not more than \$500,000 (individual).

## DEALING WITH AN ALCOHOL-RELATED MEDICAL EMERGENCY

People who are intoxicated or drugged to the point of unconsciousness or semi-consciousness are at serious risk. Individuals have died from alcohol poisoning or choking on aspirated vomit. Never leave an individual alone to “sleep it off” nor overestimate your own ability to assure his or her safety or to recognize the danger signs. Call Tufts Emergency Medical Services (TEMS), available twenty-four hours per day, at x6-6911 (University Police dispatcher).

**A TRUE FRIEND WOULD NOT HESITATE TO CALL FOR MEDICAL ASSISTANCE!**