

UNIVERSITY OF MASSACHUSETTS LOWELL

STUDENT CONDUCT CODE AND DISCIPLINE PROCESS

(REVISED JULY 2011)

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

Preamble

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

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

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

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

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

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

The stipulations of the University Student Conduct Code contained in this document, are not the only rules or regulations governing conduct on this campus. Everyone, students, faculty, staff and administrators, is urged to become familiar with additional rules and regulations including but not limited to Massachusetts

Motor Vehicle Regulations, University Parking Regulations, Residence Hall Rules and Regulations, rules regarding Academic Integrity, the Sexual Harassment Policy, the Policy for Demonstrations on University Property (see appendix D) and the University Policies for Electronic Resources.

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

I. DEFINITIONS

1. The term "University" means the University of Massachusetts Lowell.
2. The term "student" includes all persons taking courses at the University, either full-time or part-time, pursuing undergraduate, graduate, or professional studies. Persons who withdraw after allegedly violating the Student Conduct Code, who are not officially enrolled for a particular term but who have a continuing relationship with the University or who have been notified of their acceptance for admission are considered "students" as are persons who are living in University residence halls or apartments, although not enrolled in this institution. This Student Conduct Code applies at all locations of the University.
3. The term "faculty member" means any person hired by the University to conduct classroom or teaching activities or who is otherwise considered by the University to be a member of its faculty.
4. The term "staff" includes any person employed by the University, performing assigned administrative or professional responsibilities.
5. The term "member of the University community" includes any person who is a student, faculty member, staff or any other person employed by the University. A person's status in a particular situation shall be determined by the Dean of Students or designee.
6. The term "University premises" includes all land, buildings, facilities, and other property in the possession of or owned, used, or controlled by the University.
7. The term "organization" means any number of persons who have complied with the formal requirements for University registration.
8. The term "Campus Conduct Board" means any person or persons authorized by the Director of Student Development and Campus Conduct to determine whether a student has violated the Student Conduct Code and to recommend sanctions that may be imposed when a rules violation has been committed.

The term "Hearing Officer" means a staff member authorized on a case-by-case basis by the Director of Student Development and Campus Conduct to hear cases and impose sanctions upon student(s) found to have violated the Student Conduct Code. The Director of Student Development and Campus Conduct may authorize a Hearing Officer to serve as a Campus Conduct Board Member.

II. University of Massachusetts Lowell Student Discipline Process

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

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

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

III. University of Massachusetts Lowell Jurisdiction

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

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

IV. University of Massachusetts Lowell Standards

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

General:

Violation of the Student Conduct Code as described in this document, as well as the Residence Hall Student Conduct Code and any written updates to these and other University rules, regulations, and policies which may be found on the University website.

Zero Tolerance Policy:

In April 2006 the University adopted the following Massachusetts Board of Higher Education policy to ensure the right of every member of the campus community to freely engage in the pursuit of personal and educational growth.

The following inappropriate behaviors may lead to student's suspension or dismissal from the University of Massachusetts Lowell whenever a determination of responsibility has been made. Immediate interim suspension pending a hearing will occur whenever the charged student is deemed a safety threat.

Serious acts against persons, including, but not limited to:

- Hate crimes
- Murder
- Physical assault
- Rape or other sexual assault
- Stalking

Serious acts against property, including, but not limited to:

- Arson
- Illegal occupation of a building
- Intentional destruction of property (including electronic property medium)
- Possession or discharge of illegal weapons
- Illegal alcohol or drug distribution

Seriously jeopardizing the safety and lives of others. Including but not limited to:

- Creating or false reporting of bombs
- Hazing

- Inciting a riot
- Resisting arrest
- Intentionally tampering with fire safety equipment including causing a false alarm
- Driving under the influence of alcohol or drugs

Specific:

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

1. **Against persons**—No student shall assault, threaten, harass, stalk, haze or otherwise physically or psychologically abuse his or her self or any other person on or off campus including a University or city official acting in the line of duty. This shall include but not be limited to:
 - a. “Physical assault” which includes but is not limited to physical attack upon or physical interference with a person which prevents the person from conducting his or her customary or usual affairs, puts the person in fear for his or her physical safety, or causes the person to suffer actual physical injury. The University has special concern for incidents in which persons are subject to physical assault because of membership in a particular racial, religious, gender or sexual orientation group.
 - b. Conduct less than a physical attack or physical interference which interferes with a person in the conduct of his or her customary or usual affairs, such as the posting of threatening letters directed to the person, the use of threatening language directed at another, harassing or threatening telephone calls, email, voicemail, posting of materials in on-line communities, instant messaging (IM), or the vandalism of a person’s room (e.g. by graffiti). The University has special concern for incidents in which persons are subject to such conduct because of membership in a particular racial, religious, gender or sexual orientation group.
 - c. Sexual Misconduct or any other unwanted behavior of a sexually explicit nature.

Included Offenses:

- 1) Non-Consensual Sexual Contact
- 2) Non-Consensual Sexual Intercourse
- 3) Sexual Exploitation
- 4) Sexual Harassment

• Non-Consensual Sexual Intercourse is:
any sexual intercourse (anal, oral or vaginal);
however slight;
with any object;
by a man or a woman upon a man or a woman;
without *effective* consent.

• Non-Consensual Sexual Contact is:
Any sexual touching;
however slight;
with any object;
by a man or a woman upon a man or a woman;
without *effective* consent.

• Sexual Exploitation:
occurs when a student takes nonconsensual, unjust or abusive sexual advantage of another;
for his/her own advantage or benefit;
or to benefit or advantage anyone other than the one being exploited; and
that behavior does not otherwise constitute non-consensual sexual contact, non-consensual sexual intercourse or sexual harassment.

Examples of Sexual Exploitation include, but are not limited to:

- Prostitution
- Videotaping
- Going beyond the boundaries of consent
- Peeping Tommery
- Transmission of HIV or STD
- Inducing incapacitation for the purpose of having sex with the incapacitated person (This type of sexual exploitation occurs regardless of whether sexual activity actually takes place).

Sexual Harassment: Sexual harassment is defined as objectionable, unwanted sexual attention from either a person in a position of authority or power or from a peer. Sexual harassment also can involve verbal or written communication of a sexual nature that create an intimidating, hostile or offensive educational living or work environment.

DEFINITIONS OF TERMS:

- Intercourse

Intercourse is not synonymous with penetration. If it were, non-consensual french kissing could meet the definition of oral rape. Intercourse is more limited. Intercourse includes: vaginal penetration by a penis, object, tongue or finger; anal penetration by a penis, object, tongue or finger; and oral copulation (mouth to genital contact or genital to mouth contact).

- Sexual touching includes:

any sexual contact with the breasts, buttocks, groin, genitals, mouth or other bodily orifice of another, or touching another with any of these body parts, or making another touch you or themselves with or on any of these body parts; any bodily contact in a sexual manner, though not involving contact with/of/by breasts, buttocks, groin, genitals, mouth or other orifice.

- Effective consent:

informed;

freely and actively given;

mutually understandable words or actions;

which indicate a willingness to engage in mutually agreed upon sexual activity (or in more plain language--to agree to do the same thing, at the same time, in the same way, with each other).

One may not engage in sexual activity with another who one knows or should reasonably know to be physically incapacitated.

2. Against property—No student shall take, possess, damage or deface any University or neighborhood property or any property not his/her own.

3. Health and Safety—No student shall refuse to observe any safety regulations or procedures. No student shall tamper with or otherwise misuse fire extinguishers, fire safety systems or other safety equipment on or off-campus.

4. Dangerous Conditions—No student shall knowingly create a condition which unnecessarily endangers or threatens the safety of his or her self or any student or other persons or of property on or off campus. (e.g. students are prohibited from throwing things from roofs or windows, sitting on windowsills, tampering with or damaging elevator equipment or other machinery, or causing self harm).

5. Disruptive Activities—Interference with freedom of speech or movement, or intentional disruption or obstruction of teaching, research, administration, activities, or other functions or the incitement of others to do any of the above on or off campus. This includes noise disturbances on or off campus. Student tenants in off-campus housing will be held responsible for activities such as noise, large parties, inappropriate behavior, fights and property damage in and around their homes which are reported to the University as disruptive of

good community relations.

6. Weapons—No student shall possess or introduce, on or off campus, dangerous weapons including, but not limited to: knives, num chucks, brass knuckles, pellet guns, paint ball guns, archery equipment, martial arts weapons, pepper spray, mace, firearms and/or fireworks or other explosives. Students should be aware of the negative consequences of introducing plastic or toy weapons on campus which may be mistaken for real weapons.

7. Discrimination—No student shall deny the rights or privileges of the University Community or the neighborhoods to another member of the University or city for reasons of race, religion, gender, color, national origin, age, disability, marital status, sexual orientation or status as a disabled or Vietnam-era veteran in its educational programs or employment. This Student Conduct Code adheres to the University's Affirmative Action Plan.

8. Hazing—No student or group shall be involved in any action or situation which recklessly or intentionally endangers mental or physical health, or involves forced consumption of liquor or drugs, or any other substance, for the purpose of initiation into or affiliation with any organization. In the case of an organization which authorizes such conduct, there will be recession of permission for that organization to operate on University property and possible recession of University recognition. In cases of alleged hazing by an individual or group, immediate suspension will occur pending a hearing to determine if University policy has been violated. This applies to such behavior on or off campus. See Appendix A for University of Massachusetts Lowell's Policies Regarding "the Practice of Hazing", as well as the Massachusetts General Law regarding Hazing.

9. Racism—No student shall engage in any discriminatory activity based upon color of skin or ethnic or national origin. Racist activities include but are not limited to verbal or written threats, slander or slurs, and racially motivated physical assaults on or off campus.

10. Solicitation—No one may solicit any information or product anywhere on campus without the express written permission of the Dean of Students or designee.

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

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

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

1. **False Information**—No student shall furnish false information to the University or city official and especially as this relates to the University's Student Conduct Code. No student shall give false or

- misleading information which could damage or discredit another person.
2. **Misrepresentation**—No student shall represent himself or herself, as another person, in person, in writing or otherwise, with the intent to obtain benefit or to injure or defraud another.
 3. **False Testimony**—No student shall give false or misleading information during any part of a student disciplinary process or when completing documents issued by or used by the University or city for official functions or activities. Violations of this regulation will result in sanctions up to separation from the University for students and referral to the University Police Department for non-students.
 4. **Misuse of records**—No unauthorized student shall enter, search, copy, steal, forge or possess University/city records, documents or other material including misuse or unauthorized use of computers.
 5. **Unauthorized use of services**—No student shall knowingly take or use any services without authorization.
 6. **No student** may represent the University or the registered group without either the explicit prior consent of the officials of that group or the appropriate University agency.
 7. **No student group**—may represent itself as acting for or on behalf of the University in any commercial enterprise or in the solicitation or collection of funds for any purpose whatsoever without approval in advance by the appropriate University agency. (This applies to all means of communication including, but not limited to, mail, telephone, email, web-based or other means.)
 8. **Electronic Resources**—The rights and privacy concerning the electronic resources of others must be respected. Attempts to bypass network and/or computer security (including probing activities), providing unauthorized services, and/or disabling or interfering with network access are explicitly prohibited. The illegal or unauthorized downloading and/or sharing of copyrighted materials is explicitly prohibited. Students will be held responsible for violation the Network Usage Policy.

For more information please refer to University policies regarding electronic resources at <http://www.uml.edu/policy>.

D. Official Directives—Within the University and city, authority is delegated specifically to some individuals and some official bodies to direct the action of other members of the University and city in fulfillment of legitimate purposes and functions of the University and community.

1. No student shall refuse to comply with the directions of University/city officials, instructional or administrative, including University Police and Residence Life Staff, acting in performance of their duties.
2. **I.D. Cards**—All students must immediately surrender their University I.D. card upon request by an authorized University/City official such as Police, Administration, Residence Life Staff, etc. Altering, improperly possessing, or lending a University Identification Card to another person for any reason not expressly authorized by the University is a violation of this code. A University Identification Card falling into any of these categories may be confiscated by any student, Staff or faculty member in the course of his/her charged work responsibility.

E. University and Neighborhood Activities—All legitimate activities of the University/city and its members can contribute to the achievement of its purposes and ideals. No single activity is above legitimate challenge or question, but activities shall be protected from peremptory unauthorized interruption.

- 1 **Individual Activities**—No student shall obstruct or disrupt any educational, research, administrative, social or recreational activity of the University; nor shall any student create a nuisance to members or guests of the University/city.
- 2 **Group Activities**—Actions/behaviors of recognized and unrecognized student organizations and other student groups will also be subject to disciplinary action.

F. Personal Activities—The University recognizes all local, federal and state laws and expects students to adhere to them. Specifically, the University puts students on notice that its campus offers no haven from applicable laws of personal behavior and that students are specifically liable for any violation of local, state and/or federal laws.

- 1 **Alcoholic beverages**—The sale, giving, serving, or using alcoholic beverages to or by those under

the legal age is prohibited by Massachusetts Law. Possession of alcoholic beverages by those under the legal age is prohibited by Massachusetts Law. In addition UMass Lowell prohibits underage students from being in the presence of alcohol. See *Appendix B. University of Massachusetts Lowell Alcohol Policy for complete text of the policies which will be enforced.*

- 2 **Drug Possession/sale/use**—No student shall knowingly sell, possess, manufacture, cultivate, distribute or use, or be in the presence of, on or off campus, substances defined by Massachusetts or Federal Law as illegal. See *Appendix C. University of Massachusetts Lowell Drug Policy for the complete text of the policies which will be enforced.* Federal law imposes definite sanctions for drug use, sale, possession, distribution, manufacture and cultivation.
- 3 **Gambling/Fund Raising**—No student shall host or participate in activities that violate the Laws of the Commonwealth of Massachusetts pertaining to gambling and/or City of Lowell regulations governing gambling and fund raising.
- 4 **Lewd/Indecent Conduct**—Lewd or indecent conduct or expression, on or off campus/University property, or at University sponsored or supervised functions are a violation of the Student Conduct Code.
- 5 **Disorderly Conduct**—Drunkenness and/or disorderly conduct is a violation of the Student Conduct Code.

V. PROCEDURES FOR ADJUDICATING AN ALLEGED VIOLATION OF THE UMASS LOWELL STUDENT CONDUCT CODE

Any member of the University community or any aggrieved member of the neighborhood community may notify the Dean of Students Office of violations of the University's Student Conduct Code. This must be done within 2 semesters of the alleged violation, with the exception of violations under A.1.C.: Sexual Misconduct; in these situations charges may be brought while the charged student is enrolled at UMASS Lowell. The Dean of Students Office will then proceed to investigate this alleged violation of a University regulation. The complaint will be evaluated by a University Hearing Officer to determine if further action is appropriate. Once charges are brought the case must be heard through resolution. *It is the policy of the University to inform both the accuser and the accused of the outcome of any campus disciplinary proceeding involving sexual offenses and other violent crimes.* (Disciplinary flags can be set if a student fails to respond to notification of an alleged violation of the University's Student Conduct Code, failure to complete sanctions, when the University is concerned that a student's conduct affects the safety and well-being of the University community or when a student is suspended or expelled from the University. When a disciplinary flag has been set, the student cannot register for classes and may not be eligible for other academic services until meeting with a University Hearing Officer.) Formal rules of process, procedure, and/or technical rules of evidence, such as are applied in criminal or civil court, are not used in campus discipline process.

If the Hearing Officer believes that a violation of the University's Student Conduct Code is likely to have occurred he/she will in a timely fashion:

1. Notify the student, verbally and in writing, that he/she has allegedly violated University standards of conduct and ask the student to schedule an interview. Failure to schedule a preliminary interview within five (5) working days (as defined as any day the University is open for business) will result in imposition of sanctions in absentia and the forfeiture of the right to appeal. Refusal to accept notification verbally or in writing is not grounds for failing to schedule the interview.
2. Conduct a preliminary interview with the student, during which the charges will be discussed, the student may be asked to make a written statement and complete appropriate forms.
3. In cases of multiple charged students Administrative or Conduct Board Hearings may occur simultaneously at the discretion of the Director of Student Development and Campus Conduct.
4. The student will be asked to make a formal plea of not responsible, no contest or responsible and complete appropriate forms. In response to the plea, the student is offered the following options:
 - a. If a "not responsible" plea is entered, and the potential sanction is suspension or expulsion or loss of housing from the University, the student has the option of A or B (see below). If the potential sanction is less than suspension from the University the student will attend an Administrative Hearing.

- b. If the plea entered is “responsible”, and the potential sanction is suspension or expulsion from the University, the student has the option of A or B (see below). If the potential sanction is less than suspension from the University the student will attend an Administrative Hearing.
 - c. If the plea entered is no contest, the student may choose C.
- A. Campus Conduct Board Hearing. Once a student chooses the Conduct Board the decision cannot be changed.
 - B. Administrative Hearing with the Director of Student Development and Campus Conduct or her/his designee. Once a student chooses the Administrative Hearing the decision cannot be changed.
 - C. Appropriate resolution by the Hearing Officer (student may plead no contest or responsible and choose sanctions offered by the Hearing Officer rather than pursue Conduct processes).

Right to an Advisor—A student may elect to be accompanied at all formal proceedings of the student discipline process by an advisor of his/her choice. The advisor must be a member of the faculty, staff or student body of the University EXCEPT legal counsel may accompany a student, at the student’s discretion (and at the student’s expense), when a criminal charge arising from the matter before the Student Discipline Process is being pursued. At no time may an Advisor act or serve as a witness in a case for which they are serving as an advisor. Any student who elects to have an attorney present in this capacity must give advance written notice of not less than five(5) working days to the Director of Student Development and Campus Conduct. If the Hearing Officer concludes that other deadlines must be extended as a result of this provision, he or she shall have the authority to do so. Absent a pending criminal charge, or the bona fide likelihood thereof, the advisor must be drawn from within the University community.

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

The charged student must direct all questions and/or concerns about any disciplinary matter or hearing to the hearing officer or chair of the appropriate disciplinary process. The charged student, as well as the complainant, is strictly prohibited from talking directly with Board members or witnesses outside of a disciplinary process about any case involving the charged student.

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

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

A request for accommodation can be made to the Director of Disability Services (“Director”), the designated Hearing Officer or the Director of Student Development and Campus Conduct. The request will be reviewed by the Director, who will apply appropriate legal standards and University policies and procedures to determine what accommodation, if any, is appropriate. The student will be given an opportunity to have an interactive role in the review process—i.e., to discuss the request with the Director—before the Director completes the review. The Director may require the student to provide appropriate documentation from qualified health care professionals to support the request. In addition, the Director, in her/his discretion, shall

consult as appropriate with the Hearing Officer or the Director of Student Development and Campus Conduct, or other experts of the Director's choosing. The Director will make his/her determination in light of the student's particular disabilities and the nature of the Discipline Process, as informed by any consultations, relevant documentation and relevant previous accommodations provided to the student, and the student will be given an explanation of the Director's determination.

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

VI. CAMPUS CONDUCT BOARD

Membership:

The Campus Conduct Board is chaired by the Director of Student Development and Campus Conduct or his/her designee who votes only in the event of a tie. Three student members are chosen from an established pool of students who have been selected by the Director of Student Development and Campus Conduct and two other Student Affairs staff members. The three faculty/staff members are chosen from an established pool of University faculty/staff. All new members of a Campus Conduct Board must attend an orientation training in order to serve as a Conduct Board member. The Campus Conduct Board will meet as needed.

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

1. All Campus Conduct Board hearings are closed. The charged student will be notified in writing (via formal letter or campus email) of the date, time and location of the hearing in sufficient time to prepare for it. In no case will a hearing be scheduled less than 5 days after notification, unless a shorter period of time is mutually agreed upon but never will it be less than 48 hours. If the charged student fails to appear at the hearing the sanctions imposed by the Hearing Officer will be imposed in absentia and the charged student waives his/her right to a Conduct Board Hearing. The University will make every attempt to choose a time which is convenient for as many of those involved as possible and required to attend a hearing.
2. There shall be a single verbatim record, such as a tape recording, of all Campus Conduct Board Hearings; deliberations shall not be recorded. Neither the charged student nor the complainant may record the hearing or deliberations. The record shall be the property of the University. A copy of the tape shall be made available through the Dean of Students Office to prepare for an appeals process. At no time will the tape leave the possession of the Dean of Students Office.
3. Both parties may request a submission of written, factual accounts by witnesses and may request that the authors appear at the hearing by making such request, in writing, no later than three business days before the hearing. Such a request must be made to the Hearing Officer. Written testimony/statements may be accepted and submitted for the record in the absence of the authors.
4. Before the hearing, the charged student and the complainant may review all evidence that will be introduced at the hearing.
5. The complainant and the charged student appearing at the hearing may have an advisor of their choice from the University community. The sole role of this person is to advise the student. The advisor may neither address the Board nor participate in the proceedings. The advisor cannot also be a witness for the accused. (Please see section V: Right to an Advisor). The name of the advisor must be submitted in writing to the Chair no later than three business days before the hearing unless the advisor is an attorney (see "Right to Advisor" section above).
6. The complainant, the charged student and the Hearing Officer may arrange for witnesses to present pertinent information to the Campus Conduct Board. The Hearing Officer will try to arrange the attendance of possible witnesses who are members of the UMASS Lowell community, if reasonably possible, and who are identified by the complainant and/or charged student at least three weekdays prior to the Campus Conduct Board Hearing. Witnesses will provide information to and answer questions from the Campus Conduct Board. Questions may be suggested by the charged student and/or complainant to be answered by each other or by other witnesses. Questioning will be conducted by the Campus Conduct Board with such questions directed through the chairperson, rather than to the witness directly. If questions arise during the course of the hearing, written questions may be submitted to the Chairperson by either party and will be presented at the discretion of the Chairperson. This method is used to preserve the educational tone of the hearing and to avoid creation of an adversarial environment. Questions of whether potential information will be received shall be resolved at the discretion of the chairperson of the Campus Conduct Board.

7. The Campus Conduct Board may accommodate concerns for the personal safety, well-being, or fears of confrontation of the complainant, charged student, and/or other witness during the hearing by providing separate facilities, by using a visual screen, and/or by permitting participation by telephone, videophone, closed circuit television, video conferencing, videotape, audio tape, written statement, or other means, where and as determined in the sole judgment of the Director of Student Development and Campus Conduct to be appropriate. In cases of a sexual assault the complainant has the right not to have his or her past sexual history discussed during the hearing.
8. The Campus Conduct Board will make its decision promptly and communicate it to the charged student in writing within five working days of completion of deliberation. The Campus Conduct Board's determination shall be made on the basis of whether it is more likely than not that the charged student violated the Conduct Code. The Chair will inform the charged student of his/her right to appeal the decision. Such an appeal must be made in writing within five working days of receipt of the written board decision and must specify the grounds for the appeal. The appeal must be directed to the Dean of Students/or designee who may refer it to the University Appeals Board. Failure to appeal within the five (5) days will result in the imposition of sanctions determined by the Campus Conduct Board. It is the policy of the University to inform both the accuser and the accused of the outcome of any campus disciplinary proceeding involving violent crime, including sexual assault.

VII. ADMINISTRATIVE HEARING

If an Administrative Hearing is assigned or opted for by the student, the following procedures will apply:

1. The student will be notified of the date, time and location of an administrative hearing with the Director of Student Development and Campus Conduct or designee. The student will be notified in writing of the date, time and location of the hearing in sufficient time to prepare for it. In no case will a hearing be scheduled less than 5 days after notification, unless a shorter period of time is mutually agreed upon but never will it be less than 48 hours. If the student fails to appear at the hearing the sanctions imposed by the Hearing Officer will be imposed in absentia and the student waives his/her right to an Administrative Hearing and forfeits the right to appeal. The University will make every attempt to choose a time, which is convenient for as many of those involved as possible, required to attend a hearing.
2. The hearing is closed and includes the charged student(s) and the Director of Student Development and Campus Conduct or his/her designee, who may at his/her discretion include the Pre-Hearing Officer (from the initial discipline meeting). The charged student may have an advisor of his or her choice from the University community. The sole role of this person is to advise the student. The advisor may neither address the Administrative Hearing Officer nor participate in the proceedings. The advisor cannot also be a witness for the accused. (Please see section V: Right to an Advisor)
3. Both parties may request a submission of written, factual accounts by witnesses. Such a request must be made to the Hearing Officer no later than three business days prior to the hearing. Written testimony/statements may be accepted and submitted for the record in the absence of the authors.
4. Before the hearing, if available, the charged student and complainant may review all evidence that will be introduced at the hearing.
5. There shall be a single verbatim record, such as a tape recording, of all Administrative Hearings. Neither the charged student nor the complainant may record the hearing. The record shall be the property of the University. A copy of the tape shall be made available through the Dean of Students to prepare for an appeals process. At no time will the tape leave the possession of the Dean of Students Office.
6. The Director of Student Development and Campus Conduct/or designee will review all information and testimony by the charged student(s), complainant, and any witnesses, and make a finding of responsible or not responsible. The Director of Student Development and Campus Conduct/or designee's determination shall be made on the basis of whether it is more likely than not that the charged student violated the Student Code.
7. The Director of Student Development and Campus Conduct/or designee will notify the charged student(s) in writing within five working days of his/her decision and what sanctions, if any, will be imposed.
8. The charged student(s) will be informed of his/her right to appeal this decision. Such an appeal must

be made in writing within five working days of receipt of the written decision and must specify the grounds for the appeal. An appeal should be directed to the Dean of Students/or designee, who may refer it to the University Appeals Board. Failure to appeal within five (5) business days will result in the imposition of the Administrative Hearing sanctions. It is the policy of the University to inform both the complaining party and the charged student of the outcome of any student disciplinary proceeding involving violent crime, such as sexual assault.

VIII. APPEALS

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

1. Grounds for Appeal

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

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

IX. UNIVERSITY APPEALS BOARD

Membership:

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

Procedures:

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

1. The Dean of Students /or his designee will notify the charged student(s) and complainant(s) in writing, via business letter or campus email, of the date, time and location of the hearing, as appropriate. In no case will a hearing be scheduled less than five working days after notification to allow for the preparation of any new information.
2. Hearings are closed and will be recorded.
3. Except as required to explain the basis of new information, an Appeal Board Hearing shall be limited to a review of the verbatim (taped) record of the Campus Conduct Board or Administrative Hearing and supporting documents.
4. Where new information is presented, both the charged student(s) and complainant (s) will be allowed to be present.
 - a. Before the hearing the charged student(s) and complainant(s) may review any new evidence that will be introduced to the appeal hearing.
 - b. Both the charged student and the complainant may have an advisor or his/her choice from the University community. The sole role of this person is to advise the student. The advisor may neither address the Board nor participate in the proceedings. The advisor cannot also be a witness for the accused. (Please see section V: Right to an Advisor).

- c. The complainant, the charged student and the Appeal Board Chairperson may arrange for witnesses to present or explain new pertinent information to the University Appeals Board. The chairperson reserves the right to ask only those questions that are relevant to the new evidence

The Hearing Officer will try to arrange the attendance of requested witnesses who are members of the UMASS Lowell community, if reasonably possible, and who are identified by the complainant and/or charged student at least three business days prior to the University Appeals Board Hearing.

Witnesses will provide information to and answer questions from the University Appeals Board. Questions may be suggested by the charged student and/or complainant to be answered by each other or by other witnesses. Questioning will be conducted by the Appeals Board with such questions directed through the Chairperson, rather than to the witness directly. If questions arise during the course of the hearing, written questions may be submitted to the Chairperson by either party and will be presented at the discretion of the Chairperson. This method is used to preserve the educational tone of the hearing and to avoid creation of an adversarial environment. Questions of whether potential information will be received shall be resolved at the discretion of the Chairperson of the University Appeals Board.

5. The University Appeals Board will make its decision promptly and communicate it to the charged student in writing, via business letter or campus email within 3 working days of the completion of deliberations. The decision of the University Appeals Board is final and may not be appealed any further. It is the policy of the University to inform both the charged student and the complainant of the outcome of any student disciplinary proceeding involving violent crime, including sexual assault.

X. SANCTIONS

The following sanctions may be applied to any individual or group for violations of University policies or guidelines. However, the University is not limited to these sanctions or to the application of only one of these sanctions. Sanctions including expulsion, suspension, and probation will be part of the student's file in the Dean of Students Office for seven years from the completion date of all sanctions. Students may request the removal of all other sanctions from this file at the completion of their education at the University of Massachusetts Lowell. Sanctions for violations of this Conduct Code are progressive. That is, students with prior disciplinary records may receive more severe sanctions than students with no prior records. Any student found responsible of an additional offense while serving a prior disciplinary probation or suspension may be suspended or expelled, depending on the circumstances. Notwithstanding the progressive nature of sanctions, the University reserves its right to impose any level of sanction it deems appropriate and warranted.

- A. Expulsion**—This is the involuntary and permanent separation of the student from the University. This sanction will be recorded on the student's transcript. The student will also be barred from the University premises.
- B. Suspension**—This is also an involuntary separation of the student from the University, differing from expulsion in that it implies and states a time when a return may be possible. Thus, suspension may extend from 1) a semester, 2) a specified period 3) longer than one semester, until a specifically designated date or 4) until a stated condition is met, pending review by the Dean of Students/or designee. Suspensions that take effect during a semester will result in the loss of academic credit for that semester. The student cannot participate in any University sponsored activity and is barred from University premises. The student will not be able to make any academic progress towards his/her degree during the suspension period unless permitted by the Dean of Students or designee, i.e. a student may not take classes at another institution during the suspension period and transfer the credits to UMass Lowell.
- C. Probation**—A student placed on probation is in a middle status between good standing at the institution and suspension or expulsion. This student is permitted to remain enrolled at the University, but only after certain stated conditions are met, depending upon the nature of the violation and upon

the potential learning value that may derive from such a restrictive measure.

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

- 1 **Probation with restrictions**—for a specified period of time. Restrictions are recommended by the Hearing Officer, Campus Conduct Board, Administrative Hearing Officer or the University Appeals Board and can include, but not be limited to, withdrawal of the privileges to represent the University in any co-curricular activities involving events before the public, service as an officer in any student organization/club or service on the editorial board of any student publications. Specified times are never more than one academic year or two semesters or until further notice, pending review by the Dean of Students/or designee.
 - 2 **Probation without restriction**—for a specified time which is never more than one academic year or two semesters or until further notice, pending review by the Dean of Students/or designee.
- D. Written Reprimand**—This written action is a formal admonition on behalf of the University and is intended to address behavior that has been deemed unacceptable for a University of Massachusetts Lowell student. This action may be taken for repeated offenses or warnings as well.
- E. Social Probation or Group Sanctions**—This status may be applied for failure to follow policies and/or directives related to club sponsored activities on or off campus. Its primary effect is to suspend the privilege of sponsoring social events and/or to restrict access to specific campus facilities (use of facilities).
- F. Restitution**—If an infraction involves damages, destruction or loss of property, monetary restitution may be imposed.
- G. Community Service**—Students may be asked to perform a specified number of hours of community service as a sanction for a violation of the Student Conduct Code.
- H. Other Sanctions**—Other sanctions may be imposed instead of or in addition to those specified above, such as work requirements, restriction upon privileges, etc.
- I. Interim Suspension**—The University reserves the right to temporarily separate a student from the institution for conduct which endangers a member of the community or the community as a whole. Such action of the Associate Provost or her designee will be done with appropriate consultation and when possible, (only after the student has been given the opportunity to respond to the allegations presented against him/her).
- K. Removal or relocation from University Housing**—The University reserves the right to remove a student from University Housing, or to relocate him/her to another Residence Hall.
- L. No Contact Order**—The University reserves the right to restrict contact by any means (in person, verbal, electronic, or via third party) of a student to a victim when the charged student is found responsible for a violation of the Conduct Code involving another student.

XI. RECORDS AND CONFIDENTIALITY

The Dean of Students Office shall maintain the official disciplinary records and a disciplinary action tracking system, which shall include, but not be limited to, the student's name and related identifying information, applicable Student Conduct Code section(s), parties involved, description of the incident, sanction(s), expiration dates, agreements or restrictions, and any other data deemed relevant. Such record will be maintained for seven years after the completion of all sanctions; the exception to this would be an expulsion noted on the transcript.

Student Conduct records and related information shall be made available to Hearing Officers, Campus Conduct Board, Administrative Hearing Officers and Appeal Boards members, as well as other University personnel designated as necessary.

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

Appendix A

University of Massachusetts Lowell

Policies Regarding the Practice of Hazing

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

The University of Massachusetts Lowell defines hazing as the following:

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

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

1. **First Degree or “Subtle” Hazing:**

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

2. **Second Degree or “Harassment” Hazing:**

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

3. **Third Degree or “Hazardous” Hazing:**

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

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

1. Assigning pranks such as stealing, painting objects, party raids, harassing another organization.
2. Modifying one’s appearance such as partial or total haircuts, shaving of eyebrows, tattoos, and drawing on skin with magic markers.
3. Engaging in public stunts and buffoonery.
4. Consumption of undesired foods or liquids, regardless of the amount.
5. Apparel which embarrasses or which is lewd.
6. Playing games where the loser must perform some humiliating action (e.g. “strip-poker”).
7. Agreeing to do demeaning tasks for others (servitude)
8. Scavenger hunts, quests, treasure hunts carried on outside the confines of a house or meeting room.
9. Spanking or swatting.
10. Yelling at the students.
11. Throwing in shower, dousing, powdering, etc.
12. Requiring that they accept verbal abuse, name calling.
13. Road trips and kidnapping.
14. Interfering with study time.
15. Having “pledges” re-do work already completed once.
16. Allowing less than 7 hours continuous sleep during initiation period.
17. Misleading student(s) about a falsehood which would cause mental anguish if it were true (e.g. girlfriend left, parents killed).
18. Messing up a room or area for associates to clean up.
19. Sitting or standing, etc. in uncomfortable or embarrassing positions especially for any length of time.
20. Disruption of sleep.
21. Spreading rumors about individuals.

22. Pushing, shoving, or tackling associates.
23. Testing emotional stability.
24. Calisthenics which are more than simple warm up exercises.
25. Simulations of death or burials.
26. Use of any weapons or objects which could be used as a weapon to threaten or inflict harm.
27. Sexual activity.
28. Expected or forced use of alcohol and/or drugs.

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

HAZING LAW

What follows is the actual Massachusetts Law prohibiting the practice of hazing. Please read carefully. As required, every student is to receive a copy of this law.

An Act Prohibiting the Practice of Hazing.

Chapter 269 of the General Laws as Amended January 5, 1988:

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 the 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 in 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 reasonable 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 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 shall not constitute evidence of the institutions recognition or endorsement of said unaffiliated student groups, team 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.

Appendix B

UNIVERSITY OF MASSACHUSETTS ALCOHOL AND DRUG POLICY

PREAMBLE

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

Financial aid penalties for drug offenses. Beginning on July 1, 2000 the 1998 amendments to the higher education act require the suspension of eligibility for financial aid for students convicted of drug related offenses. The length of suspension of eligibility is not less than one year and varies depending on the nature of the offense. Full details are available from the office of student financial assistance.

The University of Massachusetts Lowell is committed to promoting a climate which supports academic and personal growth and success and the well-being of all members of the academic community. To safeguard and promote a healthy academic and living environment, the University promulgates rules and regulations for the behavior of all members of the community. These are outlined in several major policy statements i.e., the student conduct code, the hazing policy, the alcohol and other drug policies, etc. copies of these campus regulations are available in the hawk's eye, the students services office, and on the web at: <http://www.uml.edu/dean/policies.html>

It is the responsibility of each member of this community to understand and comply with all campus rules and regulations. These regulations include all federal, state and local laws including the Drug Free Schools and Community Act of 1989, the Drug Free Workplace Act of 1988 and the Higher Education Act (as amended in 1998). As a member of the university community, it is your responsibility to know and abide by all campus rules and regulations, to understand the risks associated with the use and abuse of alcohol and other drugs, and to assist in creating an environment that promotes health-enhancing attitudes and activities.

The following definitions apply to the Drug and Alcohol Policies which follow:

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

Alcoholic Beverage - any liquid intended for human consumption as a beverage and containing one or more of alcohol by volume at sixty degrees Fahrenheit

Controlled substance - means a controlled substance in schedules I. through V. of section 202 of the Controlled Substances Act (21 USC. 812).

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

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

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

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

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

University - the University of Massachusetts Lowell, all campuses and all leased space or space occupied with a permit

or license for the conduct of University business.

Organization - all recognized student organizations, governments and groups of students; all faculty, staff and alumni organizations using areas under University jurisdiction and all non-University organizations requesting use of any University facilities.

Authority - these regulations are promulgated by the Trustees of the University pursuant to applicable provisions of Massachusetts General Laws, Chapter 15A, sections 10 (g).

UNIVERSITY OF MASSACHUSETTS LOWELL ALCOHOL POLICY

A. GENERAL POLICY REGULATIONS

Federal, state, Local and University Sanctions for the unlawful use, possession, distribution, sale, manufacture, or production of alcohol except as may be provided in the University of Massachusetts Lowell Alcoholic Beverage Policy (Attachment A hereto):

1. The University does not allow any person, group or organization to sell, dispense, produce or manufacture alcoholic beverages with the exception of those areas and/or events approved by the Chancellor.
2. The sale, giving, serving, or using of, alcoholic beverages to or by those under the legal age is prohibited by Massachusetts Law. Possession of alcoholic beverages by those under 21 years of age is prohibited by Massachusetts Law.
3. No person shall operate a motor vehicle while under the influence of alcohol.
4. No alcoholic beverages shall be sold, dispensed or delivered to a person who is known to be a drunkard, to be an intoxicated person or to a person who is known to have been intoxicated within the six months of the last proceeding.
5. No person under 21 years of age shall transport, purchase, sell, possess or receive alcoholic beverages unless accompanied by his/her parent or legal guardian except that a person who is 18-20 may transport or carry alcoholic beverages in the course of his/her bonafide employment in an establishment licensed to sell alcoholic beverages.
6. No person under 21 years of age shall use the liquor identification card of another, or furnish false identification in obtaining such a card, or alter or deface such a card.
7. No person shall appear in a state of intoxication in a public place or disturb the peace in any manner while intoxicated.
8. Students who are found in violation of these stated prohibitions may be subject to arrest and conviction under the applicable criminal laws of the Commonwealth. Conviction can result in sanctions including probation, fines and imprisonment.
9. Students who are found to be in violation of these stated prohibitions are subject to discipline in accordance with the requirement of the University's Student Conduct Code and Judicial Process.
10. Employees found to be in violation of these stated prohibitions are subject to disciplinary action in accordance with any applicable bargaining agreements.

The above listed general policy regulations should not be considered as an exhaustive restatement of the pertinent Federal, State and local laws regarding the use of alcohol. All members of the University of Massachusetts Lowell community are expected to acquaint themselves with and abide by all laws governing the acquisition, possession, transportation, consumption and sale of alcoholic beverages.

B. RESIDENCE HALL ALCOHOL POLICY as in accordance with the laws of the Commonwealth, no alcoholic beverages shall be offered, gratuitously or for sale, to a person under the age of 21, either privately or at a group function, whether it is at an approved function or informal gathering in the residence halls. The possession, consumption or being in the presence, of alcoholic beverages in the residence halls by a person less than twenty-one years of age is prohibited.

1. Students under the age of 21 years is not permitted to possess, consume, or be in the presence of alcoholic beverages. A resident or guest who is of legal drinking age may possess and consume alcoholic beverages in the residence hall only in the privacy of the resident's own room or in the room of another resident who is of legal drinking age and who is present during the consumption. The door of the room must be kept closed. Alcohol and alcohol containers, including decorative bottles and cans, whether empty or full are prohibited from Leitch and Fox Halls at all times. Behaviors committed under the influence of alcohol will be considered a violation of the Alcohol Policy.
2. The purchase or delivery of alcoholic beverages in the residence halls, gratuitously or for sale, to a person under the age of 21 is prohibited and shall constitute a major infraction of University regulations. Commercial deliveries of alcoholic beverages to the residence halls are prohibited.
3. Only residents of legal drinking age may bring alcoholic beverages into their own residence hall. At no time may a guest of any age or resident under the age of 21 bring alcoholic beverages into a residence hall. University Police or Residence Life staff will confiscate all alcohol in the possession of any guest or resident students under the age of 21 in public areas; in addition any open containers of alcohol will be confiscated regardless of age.
4. The possession or use of alcoholic beverage containers such as kegs, partial kegs, mini-kegs, punch bowls, beer balls or any common containers, whether partially full or empty, in any residence hall or grounds by anyone, whether of legal age or not, shall constitute a major infraction and will result in immediate removal from housing. The possession or use of funnels is strictly prohibited.
5. Beirut, Beer Pong, and other drinking games involving alcohol are expressly forbidden.
6. Upon request by University personnel (i.e. residence hall staff, University Police, administration personnel) residents must provide a valid form of identification upon entering a residence hall or while transporting or consuming alcoholic beverages within a building or on University grounds.
7. In the event that a resident or guest is deemed by University Police or Residence Life staff to be intoxicated, the resident and or guest will be asked to remain in the residence hall under host supervision until determination can be made that the intoxicated person(s) is in a safe condition. In addition, drunken disorderliness in any University building or grounds is prohibited and shall constitute a major infraction of University regulations. In a situation where a student is determined to be in an unhealthy state the University Police or Staff may call the parent or guardian to take custody of their student.
8. All persons are prohibited from drinking alcoholic beverages or having open or previously opened alcoholic beverage containers in all residence hall public areas, including hallways, stairwells, bathrooms, lounges, lobbies, and outside grounds including, stairs, lawns, roofs, parking lots, patios, etc.
9. Parties and gatherings where alcohol is present, informally or otherwise, are strictly prohibited in all residence halls. Any gatherings in excess of two guests per occupant present where alcohol is present will constitute a party or gathering and may be disbanded by University Police or Residence Life staff. In these events, the alcohol will be confiscated regardless of the amount or age of the residents.
10. No more than 1 open container, cup, bottle or can may be present for each individual above the legal drinking age when in the presence of underage individuals. University staff will construe additional open containers in excess of the number of legal age individuals as consumption by minors.
11. Alcohol may not be stored or displayed in suite common areas unless all assigned occupants are of legal drinking age.

C. HEALTH RISKS

Alcohol consumption causes a number of marked changes in behavior. Even low doses significantly impair the judgment and coordination required to drive a car safely, increasing the likelihood of an accident. Low to moderate doses of alcohol also increases the incidence of a variety of aggressive acts, including spouse and child abuse. Moderate to high doses of alcohol cause marked impairment in high mental functions, severely altering a person's ability to learn and remember information. Very high doses cause respiratory depression and death. If combined with other depressants of the central nervous system, much lower doses of alcohol will produce the effects just described.

Repeated use of alcohol can lead to dependence. Sudden cessation of alcohol intake is likely to produce withdrawal symptoms, including severe anxiety, tremors, hallucinations and convulsions. Alcohol withdrawal can be life threatening. Long-term consumption of large quantities of alcohol, particularly when combined with poor nutrition, can also lead to permanent damage to vital organs such as the brain and liver. Mothers who drink alcohol during pregnancy may give birth to infants with fetal alcohol syndrome. These infants have irreversible physical abnormalities and mental retardation. In addition, research indicates that children of alcoholic parents are at greater risk than others of becoming alcoholics.

C. SANCTIONS

Alcohol Policy Violations Minimum Sanctions:

Violation	2011-2012 Sanctions
1. First time in the presence of:	Parental notification for students under 21. Completion of MSB Judicial Alcohol Module Judicial Alcohol Module. \$25.00 charge
2. First use/possession/Second in presence:	Parental notification for students under 21. MSB Judicial Alcohol Module + CHOICES Workshop + \$75.00 charge (if MSB was not previously completed). Written reprimand.
Second use/possession/subsequent in the presence of:	Parental notification for students under 21. Counseling Referral 1 + \$75.00 charge. Probation for a minimum of one academic year.
Subsequent use/possession	Parental notification for students under 21. Removal from housing. AOD Counseling Referral (Linda). \$100.00 charge. Probation with restrictions for a minimum of one academic year.
3. Alcohol Violations Requiring Medical Intervention:	Parental notification for students under 21. Completion of MSB Judicial Alcohol Module. AOD Counseling Referral I or 2 + \$100.00 charge. Written reprimand.
	2nd offense: Parental notification or a meeting with student and parents based on the age of student and financial dependency. Probation for all students, and SEP attendance or program for all students.

Subsequent offense: Parental notification or a meeting with student and parents based on the age of student and financial dependency. In addition, removal from housing, continued Probation with restrictions for all students, and SEP attendance or program for all students.

4. Providing to Minors/Sale/Distribution:

Parental notification for students under 21 plus sanctions ranging from Probation to Suspension or Expulsion for all students. Substance Education Program completion (level dependent on history).

5. Decorative bottle sanctions:

Parental Notification for students under 21 plus Written Reprimand.

***Substance Education Program.** Three levels of SEP exist for Alcohol Offenses

- The first is an on-line program (MSB) taken by the student within a two week period at a cost of \$25.00.
- The second level is a workshop (CHOICES) taught by a Health Educator and Peer Educators at a cost of \$50.00.
- The third level is an assessment meeting with either a UMASS Lowell staff counselor or an Addiction Specialist and a fine of \$100; this determination will be made by the Hearing Officer or the Dean of Students or his designee. This is also called an AOD Counseling Referral and there are two levels on this SEP.

D. REFERRAL/RESOURCES FOR ALCOHOL RELATED PROBLEMS

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

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

Appendix C

University of Massachusetts Lowell

Drug-Free Schools and Campuses

Drug Policies and Regulations

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

No students shall knowingly sell, possess, manufacture, distribute or use on or off campus substances defined by Federal or State law as illegal. It is the policy of the University of Massachusetts Lowell to maintain a drug free workplace. As a condition of employment, all University employees are required to follow this policy.

A. HEALTH RISKS

Illegal drugs and misuse of controlled prescription drugs pose short and long-term health risks to the user. Categories of drugs include narcotics, barbiturates, stimulants, and hallucinogens (not to be confused with classes of drugs according to Commonwealth of Massachusetts Drug Laws). Not only is the drug risky, the route of administration or the way the drugs is taken into the body is also correlated with certain health risks.

Some drugs are smoked (marijuana, "crack", opium, "crank"). Smoking any substance, especially marijuana, is found to have a detrimental effect on the lungs and upper airway.

Other drugs are "snorted" or inhaled (cocaine, heroin, inhalants) leading to injury of the lining of the nose.

Many drugs are ingested and some drugs are injected under the skin (skin-popping). Drugs that are injected directly into a vein (main lining) include heroin, cocaine and morphine. Injecting drugs has severe risks of local infections, bacterial endocarditis, increased incidences of HIV and Hepatitis B and C. Permanent liver and kidney disease are possible outcomes of drug use. Scars or "track marks" are formed by repeated injections. Veins harden internally from repeated use.

Mind or mood altering drugs work in certain "pleasure" pathways of the brain by enhancing or altering chemicals called neurotransmitters. There can be permanent change in these pathways with heavy and prolonged use of cocaine. Street drugs are "cut" with often unknown and dangerous substances, which can make the user very ill or even cause death.

Short-term health risks of illegal drug use are: decreased judgment and perception, decreased mental alertness, reduced motor skill often leading to motor vehicle accidents and bodily injuries, increased risk taking and aberrant behavior.

Narcotics, especially heroin and morphine decrease the rate of respiration which may result in respiratory arrest then death, if not medically treated.

Stimulants (cocaine, amphetamines, methamphetamines) produce exhilaration. There is a surge of adrenaline resulting in an increase in blood pressure and pulse rate, causing blood vessels to constrict. These changes can cause strokes, paralysis, heart attacks and death. These events can occur with the first or any subsequent use. The myth is that sexual activity is increased with cocaine use. The fact is that sexual activity is decreased with increased use of cocaine.

Hallucinogens produce and increase in sensor perception (visual and or auditory). There may be flashbacks from prior use of LSD and STP. Use of these drugs can result in short and long-term psychotic events. Deaths and serious injuries often happen to those under the influence of certain hallucinogens (LSD, STP and PCP). Drinking alcohol with substances, produces additive effects, making the alcohol and drugs more potent.

Certain tranquilizers, especially in high doses cause disturbances in cardiac conduction. Vomiting is always a threat in drug use. It can cause choking and ultimately death, because the person's reflexes are diminished. "Roofies" and Liquid Ecstasy produce sedation and loss of memory. When put into drinks, an unknowing victim becomes sedated and could be raped with no memory of the event.

Use of drugs during pregnancy has effects on the baby. Women who use cocaine and heroin during pregnancy have an increase in miscarriages. They give birth to babies addicted and usually of low birth weight. The infant must go through a difficult withdrawal. Long term effects in these children are not yet known.

Addiction is a major risk of using illegal and controlled prescription drugs. Heroin, codeine, opiates, barbiturates, and morphine are strongly physically addicting. Cocaine procedures both physical and psychological addition. Withdrawal from narcotics, barbiturates and cocaine is difficult and painful. Drug users often return to using drugs. Over time, the drug user usually suffers from malnutrition and a lowered immune system. He or she often becomes seriously ill requiring hospitalization from multiorgan failure, overwhelming infections, psychotic events, injuries from accidents, or drug-related violence.

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

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

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

A. Minimum Sanctions for the Use of Illegal Drugs by students

1. Use or Being in Presence of:
 - a. First Offense: Parental notification for students under 21. CHOICES SEP attendance for all students, and Probation for all students.
 - b. Second Offense: Parental notification for students under 21. Probation with Restrictions for all students, AOD Counseling Referral, and, in addition, removal from housing for residential students.
 - c. Subsequent Offenses: Parental notification for students under 21, AOD Counseling Referral, and University suspension for all students.
2. Possession of an ounce or less of marijuana: In accordance with Massachusetts State Law, all students found in possession of one ounce or less of marijuana will be subject to a \$100 fine. Students who are 17 or under will be required to attend a substance education program as proscribed by the State Juvenile System.
3. Possession with Intent to Distribute/Supply:
 - a. Parental notification for students under 21, AOD Counseling Referral, and sanctions ranging from suspension to expulsion for all students.
4. Sale or Distribution:
 - a. Parental notification for students under 21, AOD Counseling Referral, and sanctions ranging from suspension to expulsion for all students.
5. Manufacture/Cultivation:
 - a. Parental notification for students under 21, AOD Counseling Referral, and sanctions ranging from suspension to expulsion for all students.

***Substance Education Program for Drug Offenses.** Three levels of SEP exist on campus for students who violate the conduct code for drugs:

- a. The first is a workshop format taken within a two week period at a cost of \$50.00.
- b. The second level is an assessment meeting with either a University Counselor or an Addiction Specialist and a fine of \$100.00; this determination will be made by the Hearing Officer or the Dean of Students or his designee. This is also called AOD Counseling Referral.
- c. Another variation of the SEP Program is the program assigned to students who are 17 or under and have been found in possession of an ounce or less of marijuana. This program is administered through the Judiciary of the State of Massachusetts.

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

C. Referrals/Resources for Drug-Related Problems—Services and resources are available to all members of the University community, to provide accurate information relating to drugs and alcohol, to support individual needs and to assist at crises points. Listings of resources on campus are available by calling the Counseling Center

(978-934-4331), Student Health Services (978-934-4991) and the Human Resources Office (978-934-3555).

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

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

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

Conviction—means a finding of responsible (including a plea of no lo contender) or imposition of sentence, or both, by any discipline body charged with the responsibility to determine violations of the Federal or State criminal drug statutes.

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

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

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

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

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

Appendix D

University of Massachusetts

Guidelines for Responses to Demonstrations on University Property

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

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

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

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

Appendix E

UMASS Lowell Good Samaritan Policy

I. Policy Statement

Student health and safety are primary concerns of the University of Massachusetts Lowell community. Students may be reluctant to seek help in alcohol-related emergencies because of potential conduct consequences for themselves, the person in need of assistance, or the organization hosting the event where the situation occurs. Since these emergencies are potentially life threatening, UMass Lowell seeks to reduce barriers to seeking assistance. To this end, this Good Samaritan Policy has been developed.

II. Purpose

The Good Samaritan Policy represents the University's commitment to increasing the likelihood that community members will call for medical assistance when faced with an alcohol-related emergency. The policy also promotes education for individuals who receive emergency medical attention related to their own use of alcohol in order to reduce the likelihood of future occurrences.

III. Definitions

Signs of serious intoxication/impairment include:

- Inability to rouse the person with loud shouting or vigorous shaking
- Passed out
- Semi-conscious; person goes in/out of consciousness
- Slow (< 8 breaths/minute) or irregular breathing or lapses in breathing of 10 seconds or more
- Cold, clammy, or bluish skin
- Vomiting while passed out, not waking up after vomiting, or incoherent while vomiting

IV. Procedures

Students are expected to contact the University Police (978-934-2911 or *2911) when they believe that assistance for an intoxicated/impaired person is needed on campus. Seek immediate help if any of the above signs are present, as they indicate a potentially life-threatening emergency. UMLPD will assist intoxicated/impaired individuals by facilitating transport to medical facilities or by taking other protective measures. In case of an off-campus medical emergency, students should call 911 for assistance by local police or medical professionals. If the intoxicated/impaired individual is located within a residence hall, a Resident Assistant (RA), Assistant Resident Director (ARD), Resident Director (RD), and/or Complex Director should also be notified after UMLPD is called. A severely intoxicated/impaired individual should never be left alone; therefore, at least one person should stay with the intoxicated/impaired individual while another person notifies the RA/ARD/RD/CC.

Whenever a student assists an intoxicated /impaired person in procuring the assistance of UMLPD, local or state police, residence life staff, or medical professionals, neither the intoxicated individual nor the individual who assists will be subject to formal university disciplinary actions for (1) being intoxicated or (2) having provided that person alcohol. (This protocol does not preclude disciplinary action regarding other violations of university standards, such as causing or threatening physical harm, sexual assault, damage to property, harassment, hazing, etc. Students should also be aware that this policy does not prevent action by local and state authorities.) UMLPD and/or Residence Life staff will record names of intoxicated students to enable any follow-up that may be deemed necessary to ensure students well-being. Other information may also be as needed.

In order for this policy to apply, the intoxicated student(s) must agree to timely completion of recommended alcohol education activities, assessment, and/or treatment depending on the level of concern for student health and safety. In addition, if the student is under 21 years of age his/her parents will be notified. If the student does not follow these stipulations, she or he has violated the Good Samaritan Policy and is subject to the complete range of sanctions and penalties as outlined in the Student Code of Conduct and Disciplinary Process in the Student Handbook for an alcohol violation.

The Good Samaritan Policy may be used more than once. Students and organizations that help others seek medical assistance are not limited to one use of the Good Samaritan Policy, as they should always feel empowered to help those in need. However, serious or repeated incidents will prompt a higher degree of medical concern and formal response from the University which may include an intervention and/or conduct action.

Questions regarding the UMass Lowell Good Samaritan policy should be directed to the Dean of Students Office.