

Table of Contents

Welcome from the Director	2
Residence Life Information	
Residence Life Staff	3
Employment Opportunities	4
Vacation and Break Housing	4
Room Selection Process	5
Residence Life Operations	
Student Identification	5
Guest Information	6
Health and Safety Inspections	6
Room Entry	7
Residence Life Services	
Telephone Service	7
Cable T.V.	7
High Speed Data Access (the Internet)	8
Laundry Service	8
Dining	
Aramark and Meal Plan Information	8
Community Standards	
The Residence Life Student Conduct Code	10 - 21
Residence Hall Alcohol Policy	14 - 15
Residence Hall Drug Policy	16
The University Student Conduct Code and Discipline Process	22 - 47
University Hazing Policy and MA Hazing Law	Appendix A
University Alcohol Policy	Appendix B
University Drug Policy	Appendix C
Responses to Demonstrations on University Property	Appendix D

Welcome from the Director

Dear Resident,

Welcome to the UMASS Lowell residential community. Each year offers the promise of new and exciting opportunities, and this year is no different. I encourage you to seek out the unique experiences and advantages that living on campus has to offer including building strong relationships with roommates, establishing life long friendships, interacting with residents from backgrounds different than your own, connecting with Residence Life staff, becoming a member of the Residence Hall Association or your Hall Council, attending programs, and helping to shape the culture and expectations of your residence hall.

As a member of the residential community you have the ability to take advantage of all of the opportunities listed above, but you also have the responsibility to establish and adhere to standards of behavior that allow you and other residents the unfettered opportunity to explore these experiences. This handbook has been created to assist you in that process. We expect to promote an experience of campus life that is respectful, cooperative, accepting, and one that dignifies and supports each community member's individuality and uniqueness. The services, programs, opportunities and behavioral expectations contained in this handbook have been written with these objectives in mind.

Again, welcome to the UMASS Lowell residential community. I look forward to working with you over the next year to establish an inclusive, healthy, and positive campus community.

Sincerely,

James L. Kohl
Director of Residence Life

Residence Life Information

Residence Life Staff

The Office of Residence Life, x5160, ResLife@uml.edu

James Kohl, Director of Residence Life: James_Kohl@uml.edu

David Jones, Associate Director of Residence Life: David_Jones@uml.edu

Christyn Toomey, Assistant Director of Residence Life: Christyn_Toomey@uml.edu

Matthew Austin, Assistant Director of Residence Life: Matthew_Austin@uml.edu

Sue Bolduc, Office Manager: Susan_Bolduc@uml.edu

Erin Butterworth, Housing Coordinator: Erin_Butterworth@uml.edu

Resident Directors (RD) — Each Residence Hall has a live-in, highly trained Resident Director. The Resident Director (or RD) is responsible for the total management and supervision of his or her Residence Hall. This includes responding to emergencies, supervision of the staff and students, discipline, activities and programs, and management of the operational aspects of the building. Each RD is available to discuss any problems or concerns you may experience. Each night an RD is on call for the campus and can be reached through any Resident Advisor on duty or the University Police.

The Resident Director Staff

<i>Residence Hall</i>	<i>Resident Director</i>	<i>Office #</i>	<i>Email</i>
Bourgeois Hall	Benjamin Adoo	x5088	Benjamin_Adoos@uml.edu
Concordia Hall	Marshall Greenleaf	x5972	Marshall_Greenleaf@uml.edu
Donahue Hall	Candice Lacasse	x6419	Candice_Lacasse@uml.edu
Eames Hall	Michael Gravell	x5822	Michael_Gravell@student.uml.edu
East Meadow Lanes	Kara Burgoyne	X5995	Kara_Burgoyne@student.uml.edu
Fox Hall Lower	Ryan Macleod	x5146	Ryan_Macleod@uml.edu
Fox Hall Upper	Cari Renn	x5146	Cari_Renn@uml.edu
Inn & Conference Center	Paulo Pinheiro	X5160	Paul_Pinheiro@uml.edu
Leitch Hall	James Warren	x5762	James_Warren@uml.edu
Sheehy Hall	Marshall Greenleaf	x6198	Marshall_Greenleaf@uml.edu
Smith Hall	Kara Burgoyne	x5758	Kara_Burgoyne@student.uml.edu

Assistant Resident Directors (ARD)—With the exception of Smith and Eames, each residence hall has one or two Assistant Resident Directors (ARD's) on staff. These are graduate and/or undergraduate students who have been promoted from the Resident Advisor position. Assistant Resident Directors have taken on increased responsibilities within their halls, by assisting the Resident Director in almost all areas of Residence Life.

Resident Advisors (RA)—These individuals are students who are just like you. To obtain their position they have participated in an extensive interviewing process and have undergone intensive training on issues related to activity/event planning, mediation, handling conflicts, dealing with crisis situations, and a wide variety of other topics. One to three staff members are assigned per floor in a residence hall. They live on the floors with students to assist them with the transition to college, help with roommate conflicts, plan social and educational events, and provide support to students who are having personal or academic difficulties.

Resident Advisors (RAs) work together as a team in each building to promote a comfortable and supportive living and learning environment for all residents. They hold floor meetings, act as resources for campus and the surrounding community, and explain and enforce the University and Residence Hall Conduct Code. There is an RA on duty in each residence hall every night from 7pm – 7am. They are in radio contact with the University Police at all times during their shift. The Resident Advisor position is a great opportunity to gain valuable leadership experience and get more out of your time at UMASS Lowell. If you are interested in learning more about how to become a Resident Advisor, please ask your RD or call the Office of Residence Life, 978-934-5160 .

Maintenance/ Housekeeping - Maintainers are full-time workers who are primarily responsible for cleaning hallways, lounges, and other service areas. Each residence hall has one to five custodians, depending on the size of the building. There are also several student Maintenance Assistants that work for the Office of Residence Life, who work on small operations projects in the halls during the year. If you have a basic maintenance need in your room or in your building, an RA can assist you in filling out a work order request form.

Security Officers—Student Security Staff sit at the front desk of each residence hall beginning at 7 p.m. every evening. At 11 p.m. Residential Security Officers take over and provide security until 6:30a.m. They are in radio contact with the University Police at all times during their shift.

Opportunities for Employment

Are you looking for an on-campus position that offers the convenience of location and a great rate of pay? Do you have College Work Program or Federal Work Study as a part of your Financial Aid package? If you answered “yes” to both of these questions we may have a job for you!

Minimum of \$10.00 per hour

Days, evenings, weekends to suit your schedule

Security Attendants

Office Support Staff

Maintenance Support Staff

Technical Support Staff

If you are interested please contact your RD of your hall. If you have further question contact the Office of Residence Life at x5160 or e-mail at reslife@uml.edu and see if what you have to offer is what we are looking for!

Resident Advisor positions. The Office of Residence Life collects applications for RA positions throughout the academic year and in the summer. *If you are interested please visit the Office of Residence Life in Fox Hall and pick up an application or go online to www.uml.edu/housing*

Vacation and Break Housing

Intersession (winter break). The residence halls will close at 6pm on the last day of final exams in the Fall Semester. All students are expected to vacate their housing for the 4-5 weeks of Intersession Break. For complete information concerning Intersession Housing please call or visit the Office of Residence Life in Fox Hall or check the website (www.uml.edu/reslife) in November. While there are always a minimum of two buildings that remain open during Intersession, students who do not reside in these buildings will need to complete the paperwork to borrow a room from residents of these buildings. There is a charge for Intersession Housing, which will be billed to the students' account.

Spring Break Housing. The residence halls will close at 6pm on the Friday prior to Spring Break Week. All students must vacate their housing for the week, until Noon on the Sunday after Spring Break Week. There are exceptions to this closing, similar to Intersession Housing, please call or visit the Office of Residence Life in Fox Hall or check the website (www.uml.edu/reslife) for more information. While there are always a minimum of two buildings that remain open during Spring Break, students who do not reside in these buildings will need to complete the paperwork to borrow a room from residents of these buildings. There is a charge for Intersession Housing, which will be billed to the students' account.

Summer Housing. Summer Housing is available from the close of Spring Semester until the end of Summer Session II. Please call or visit the Office of Residence Life in Fox Hall or check the website (www.uml.edu/reslife) for more information. There is a charge for Summer Housing, which can be paid by cash, check or credit card prior to moving into Summer Housing. If you have paid your 2009-2010 student account in full, we can apply your summer housing charges to your student account.

Room Selection Process

All returning students will be assigned housing for the coming academic year (2010-2011) as long as the student participates in the Room Selection Process during the Spring Semester and meets the deadline for housing deposits and contracts. After the Room Selection Process is concluded returning resident students will be assigned housing after all new students have been assigned housing; there is no guarantee of housing for the Fall semester after the Room Selection Process.

Early in the Spring Semester (February/March) all returning students will be issued a booklet concerning the Room Selection Process for the upcoming academic year. Please be sure to read this booklet in its entirety so that you will secure the room you would like for the coming year. Your \$200 non-refundable room deposit must be received prior to the identified deadlines; be prepared to pay this deposit and sign a contract if you would like to participate in Room Selection.

Residence Life Operations

Student Identification Card: UCard

ID Card. All students are provided with an official University Identification card that must be carried at all times and shown to university officials upon request. This single card provides the myriad of services listed below. It is important to keep your ID in an easily accessible, yet safe place. Bending, cracking, or puncturing your ID will render the data chips inside useless and ruin the card. Lost or Damaged IDs must be replaced within a reasonable time period. Please take good care of it and your ID will last you for your entire college career. Your ID card will allow you, as a resident student, access into your residence hall 24 hours a day.

Lost ID. As soon as you have determined that you have lost your ID check with your staff office to find out if anyone has found it. If it is not there, call Access Services Office (x4211) to see if it has been turned in. If that fails ask them to cancel your old card and ask when you can come in to pick up a new one—the same photo will be used. The cost for a new ID is \$20.00.

Other Uses. The University ID card gives you access to the cafeteria and allows Aramark Food Services to keep track of your meal plan. You can also use your ID to take books and required readings out of the library. The ID card will give you complete access to The Campus Recreation Center and the extensive services they offer, including, but not limited to the fitness area, classes, locker rooms, and Intramural/Recreational Sports. The ID is your access to approved parking gates.

Guest Information

Guest Sign-In Locations & Hours. In the lobby of each Residence Hall there is a security desk that is staffed every evening from 7 p.m. to 6:30 a.m. As mentioned under the previous description of the Security Officers, our student Security Staff sits at the front desk of each residence hall beginning at 7 p.m. each evening. At 11 p.m. Residential Security Officers take over and provide security until 6:30 a.m.

Guest Sign In Process. In order to insure the safety and security of our students, it is necessary that we strictly enforce our guest sign in process. Every individual is required to present valid, picture identification at the desk when they enter the building. This includes residents of the building. All non-Resident guests, including residents of other buildings, must follow the guest sign in policy. All guests will receive a dated guest pass good only for the building and date issued. Guests must have this identification on their person at all times. Their host must escort them at all times while in the building. Please refer to the guest policy in the Residence Life Conduct Code.

University Resident students. When you enter your own building you are required to show your ID to the Security Officer and then swipe your University ID across a verification reader to prove that you are indeed a resident of that building. Students who are visiting from another building will have to show and swipe their ID, sign in, and have a “host” from within the building to escort them and take responsibility for them.

University Non-Resident Students. Students must present their University ID at the desk, sign in, and have a host from within the building escort them and take responsibility for their actions.

Non-University guests. All non-University guests must present their valid picture identification at the desk, complete a guest pass (which you must carry at all times) and have their host escort them and take responsibility for their actions. *Valid picture identification is limited to a drivers’ license, state identification card, military identification card, or a passport.*

Age. Guests under the age of 17, with a valid ID, are only permitted to be in the building until 11 p.m. when they must leave. Special permission for under 17 overnight guests can only be obtained from the Resident Director of the building *at least 48 hours in advance*. The Resident Director may ask for parental/guardian permission and contact information so please be prepared and plan ahead.

Responsibility of Host. Hosts are ultimately responsible for the actions of their guests and we do hold the guest accountable for the Conduct Code and all University policies. Failure to follow the guest procedure or any University policy can result in a guest losing his or her privilege of visiting anyone on the University campus. All University students will be held to the standards set for behavior on campus and will be adjudicated with due process through the University disciplinary process for failure to follow policy and conduct unbecoming to a University of Massachusetts Lowell student.

Guests and Alcohol. As noted above, valid, picture identification and proof of age is required for permission to drink alcohol in the residence halls (with the exception of Leitch and Bourgeois, which are dry buildings) and only in the room of a resident who is at least 21 years of age. No guest is allowed to transport alcohol into any of the buildings, only a host (building resident), at least 21 years old, may bring alcohol into the building. Please review the complete text of the alcohol policy in the Conduct code portion of this book.

Health and Safety Inspections

Safe and Healthy Living Conditions. In addition to the room inspection and inventory conducted prior to occupancy and upon your departure from your room, the Residence Life staff conducts periodic room checks during the course of each semester to make sure that safety rules and regulations are being followed. During these inspections the staff will also insure that illegal items, such as candles or common area (lobby) furniture, are not present; such items will be removed from the room. When possible, residents will be informed in advance of room inspections and when students are not at home during these inspections the staff will leave the results of the inspection in the room.

Inventory Status. If, during the course of your semester on campus, you should experience a change in the status of your room inventory (furniture stolen, damaged, broken, etc), it is important that you notify your RA or RD as soon as you possibly can. The benefits of early notification are that the item will be fixed and you will have the opportunity to explain what happened and avoid confusion. Whoever is responsible for the damage or lost inventory will be held accountable and billed accordingly. Residents are responsible for all the furniture in their room/suite. All furniture must remain in the designated area and cannot be stored.

Room Entry

Reasons/Authorization—Residence Life Staff, University Police and other University designees may enter a residence hall room at any time for the purpose of health, safety, and/or maintenance (emergency or student requested). In addition, the University reserves the right to enter a room when state, local or federal laws and/or the UMASS Lowell Student Conduct Code or Residence Life Conduct Code, as related to the safety and well being of a resident or community member, are suspected of being violated. Whenever possible, the University will attempt to provide the assigned resident with advance notice. Feel free to consult the staff with any questions you may have concerning the results of the inspections or the process.

Notification—As with Health and Safety Inspections, if room entry should occur, notification will be left for the residents of the room.

Residence Life Services

Telephone Service & Features

The telephone jack/port in your room is included in your room charge. The telephone is on an analog line. To find out your phone number, dial #*113. The voice will give you a four-digit extension. Your phone number will be 978-934-xxxx number. You must provide your own phone, corded or cordless.

Features of service

To call another student's room or any office on campus, simply dial the last four digits. For example, to call the Office of Residence Life from off campus you would dial 978-934-5160 to call from your room, dial 5160. To dial off campus dial 8 first, then the telephone number you wish to dial. Our phone service includes local exchanges, and the ability to dial toll free numbers.

Call Waiting and Caller ID. Your phone line has the capability of Call Waiting and Caller ID.

Voicemail & Instructions. To get into the voicemail system, dial x5000 on campus or *5 in your room; off-campus dial 978-934-5000. Your default password is 1111. For security and privacy, you and your roommate should change your password and keep it between each other. Listen carefully to go step by step through the system.

Long Distance. Long distance service is not provided, however you can make collect, calling card, and credit card calls. Just press 9 to get an outside line and then service provider number. You will need to have a pre-paid calling card, a calling card from home, or a cell phone to make long distance phone calls.

Cable Television

All rooms are "cable-ready"

High Speed Data Access

Hardware & software needs. For in-room high-speed data access you will need a PC or Mac; a network card is required to access the Internet. In addition you will need an Ethernet card (10base T or 10/100 Ethernet card). You will also need an Ethernet Cat 5 RJ 45 network cable. Finally, you will need to have Internet browser software such as Microsoft Internet Explorer, Netscape Navigator, or some other similar software. Modems will not work on our system.

University Email Accounts. All UML students receive an email account through the University. It has been set up before you even arrived to campus. You can activate your account through the Internet. Log on to <http://webmail.student.uml.edu>. This has the manuals and information you need to get the most from this service.

Laundry Service

Students can do laundry right in their building; just ask a staff member where the machines are located. The machines cost \$1.25 to wash a load and another \$1.25 to dry with your UCard. The machines cost \$1.50 to wash a load and another \$1.50 to dry when you use cash.

Students must have their own laundry detergent; and a couple of lessons from mom or dad may not hurt if you are not used to washing your own laundry.

ARAMARK and Meal Plan Information

The University's Food Service is contracted with Aramark, an international corporation that serves many major colleges and universities, hospitals, industry and even services the Olympics! We are proud of our relationship with Aramark, and with its customer service focus.

Aramark Web Site. This is a great way to learn all you can about the food service who serves you; here you will find menus for the week, the schedule of special events, and information about the special programs Aramark has to offer. For example, did you know that gift baskets can be ordered from Aramark for all occasions? Visit www.uml.edu/aramark to view the selection and order on-line. Aramark will also offer special meals throughout the academic year; watch for details in your dining halls!

Meals and Points. All students residing in on-campus housing must subscribe to one of the six meal plans offered by Aramark. These meal plans offer a combination of meals and points for use all around campus. Meals can only be used in a dining hall; ID cards are required for use of the meal plan in all dining halls. Points can be used at many different locations across campus including the Hawk's Nest Store in Fox, Mahoney's at the Common, the Marilyn Evans Lounge in Southwick Hall, the Bagel Cart, and Broadway & Wilder. You can also use your points to bring a friend or relative to a meal.

Meal Plan Changes. Students who want to select a specific meal plan may do so during the first three days of classes during the Fall and Spring Semester in the DINING HALLS located on South Campus and Fox Hall 2nd floor. Meal plans cannot be changed after the first three days of classes each semester.

Special Dietary Needs. If you have food allergies or special dietary needs we urge you to make an appointment with your Dining Halls' Manager (see below) and discuss the specifics. You might be surprised at how accommodating Aramark can be when it comes to the food you eat.

Meal Hours

Check the website www.uml.edu/aramark for specific hours
Monday through Friday, continuous dining
Saturday and Sunday, serving brunch and dinner

Mahoney's at the Common, Fox Hall. Serving pizza, burgers, fries, onion rings, shakes, and other assorted goodies, Mahoney's offers students a quick snack at night while studying, watching TV, playing pool, or just hanging out with friends at the Common. Use your points to purchase your snacks, and of course cash is always welcome.

Hawk's Nest, 2nd floor in Fox Hall. Accessible during the hours Aramark is open, the Hawk's Nest is a small convenience store where students can find beverages, snack foods, laundry detergent, personal items, etc. You can use your points to purchase items at the Hawk's Nest.

The Fresh Food Company (Southwick) & Broadway and Wilder (McGauvran) are two of the University's Commuter Lounges where you can purchase food a la carte using your points, Aramark Dining Card or cash. With deli sandwiches, salads, a grill, pizza, a smoothie and shake bar, bagels, coffee, and other assorted beverages, as well as the Global Market (which offers hot foods, cooked upon ordering), we are sure you can find something to eat that will meet your needs.

Bagels, Etc (aka Aesops). For fresh bagels, pastries, and hot coffee visit the basement of Olney Hall. Hours of operation are Monday – Friday, 8AM – 3PM.

University of Massachusetts Lowell

Office of Residence Life

Student Conduct Code

2009 - 2010

Preamble

Conduct appropriate to a student at the University of Massachusetts Lowell is that which promotes the individual's own academic pursuits and which contributes to meeting the community's educational mission. An individual's conduct becomes a concern of the Office of Residence Life and Dean of Students' Office if it adversely affects the academic interests or rights of other members of the University community, or the University's pursuit of its educational mission.

Fundamental to the achievement of a residential community on campus is the recognition by all of its members that each shares a responsibility to observe University regulations. The Office of Residence Life Student Conduct Code is not the only code governing student behavior on the campus. Everyone is urged to become familiar with additional rules and regulations as written in the University Student Conduct Code.

It is not the purpose of these regulations to duplicate 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 the University of Massachusetts Lowell campus. If a violation(s) of state or federal law occurs on campus, University proceedings may be instituted against the offenders. Such action by the University is independent of, and may proceed in parallel with, civil or criminal action.

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.

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 within Residence Halls and apartments of the University and surrounding properties.

SUMMARY OF THE DISCIPLINARY PROCESS

- A) Referral to a Residence Life staff member by a student, staff member, University police officer, or a faculty or staff member.
- B) Investigation by Residence Life staff to determine the specific details of alleged violation.
- C) Decision is made to either issue a Letter of Warning based upon a preliminary investigation or reports, meet with the student(s), refer to the University Campus Conduct Process or Office of Residence Life, or to dismiss the charges.
- D) If proceedings continue, student is contacted in person, by phone, voice mail, email, or letter to discuss the incident, charges, and possible outcomes.
- E) After notification, if a student fails to schedule a meeting within three business days, or fails to attend a scheduled meeting, a determination will be reached in absentia.

- F) A Residence Life staff member, after careful consideration of all details may drop all charges, administer a sanction, or make a referral to the Office of Residence Life or University Campus Conduct Process.
- G) If referred, the Office of Residence Life will meet with the student in question and review charges and all pertinent information.
- H) Student will be notified in writing of any outcome including an official sanction. These sanctions will be kept on file in the Office of Residence Life.

APPEAL

A written appeal must be filed in writing within three working days of being notified (either verbally or through written letter) of the outcome of a disciplinary matter. Sanctions may remain in effect during the period of appeal. Grounds for appeal include fairness of sanction, due process or bias by the Hearing Officer. All appeals should be directed to the immediate supervisor of the staff member who adjudicated the hearing and imposed any sanction using the following hierarchy: Resident Director to Associate Director of Residence Life to Director of Residence Life. The decision made by the Director of Residence Life is final. *Only concerns regarding due process may be submitted in writing within three working days of the outcome of an appeal to the Dean of Students, whose decision is final.* Students found responsible in absentia are not entitled to the appeals process.

ZERO TOLERANCE POLICY

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

The following inappropriate behaviors shall 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 accused 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

Residence Hall Regulations

1. RESPECT AND PROTECTION FOR PERSONS AND PROPERTY

Respect for persons means always acting 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 facilities and equipment.

.01 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 assault** or any other unwanted behavior of a sexually explicit nature.

Definitions:

Rape: Forced sexual intercourse, or oral, anal, vaginal penetration by, or union with, the sexual organ of another, or the anal or vaginal penetration of another by any other object that is perpetrated against the will of the victim. The type of force employed may involve physical violence, coercion or the threat of harm to the victim.

Acquaintance Rape: Acquaintance rape is sexual intercourse undertaken by a friend or acquaintance without the consent of the victim. Acquaintance rape occurs when a person is forced to have sexual intercourse over his or her objections or as a result of threats, physical restraints, or physical violence.

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.

Indecent Assault and Battery: Any unwanted sexual contact; including but not limited to unwanted touching, kissing, or fondling of any body part of a person.

Violation of this section may result in removal from housing as well as a referral to the University Campus Conduct Process.

.02 Against property: No student shall take, possess, damage, or deface any property that is not his or her own, including but not limited to; parking gates and sawhorses on the University campus or on any University property. Students are not permitted to make architectural changes or repairs to walls, doors, closets, furnishings or any other portion of the residential facilities nor place holes in walls for decorative purposes. Students may not hang or place objects such as stickers, bottle caps, stars, speakers, tapestries, etc. on ceilings. Stickers, self-adhesive objects, tape, and permanent labeling are prohibited from all residence hall doors and walls. This includes dry erase boards. Attempting to repair damaged property is strictly prohibited.

.03 Interference: No unauthorized person shall interfere with the right of any other person to go where they have a right to go or remain where they have a right to remain. No unauthorized person shall intentionally prevent any other persons from doing anything that they have a right to do, nor shall any unauthorized person require any other persons to do anything which they rightfully may refrain from doing.

.04 Weapons: No student shall possess or introduce to the campus dangerous weapons or realistic-looking reproductions (ex. toy guns, knives, etc) including but not limited to knives, martial arts weapons, swords, archery equipment, BB, paint or flare guns, mace, firearms, fireworks or other explosives. Possession of bullets or other ammunition is also not permitted. *Violation of this section may result in removal from housing as well as a referral to the University Campus Conduct Process.*

.05 Discrimination: No student shall deny the rights or privileges of the University community, engage in any discriminatory activity, nor create a hostile environment toward another member of the University community or their guests for reasons of race, religion, sex, national origin or nationality, age, disability, marital status, sexual orientation, or veteran status. These activities include but are not limited to verbal slander or slurs, written comments, prejudicially motivated physical assault or exclusionary practices. *Violation of this section may result in removal from housing as well as a referral to the University Campus Conduct Process.*

.06 Hazing: No student shall be involved in any action or situation, which recklessly or intentionally endangers, or threatens to endanger mental or physical health, causes the loss or lowering of self-respect, or involves forced consumption of food or beverages for the purpose of initiation into or affiliation with any organization or group. *Violation of this section may result in removal from housing as well as a referral to the University Campus Conduct Process.*

.07 Stolen property: No student may possess any stolen or illegally acquired University, private or public property within the residence halls including, but not limited to street signs, construction items, food service equipment, parking gates, etc. Students in possession of items such as these will be asked to provide ownership or proof of sale.

.08 Bathrooms: Bathrooms in the residence halls are designated for single gender use only. Students of one gender may not use bathrooms designated for the opposite gender. Public bathrooms are available in each building's common area or as identified. If a guest uses the wrong bathroom, the host will be held accountable.

.09 Furniture: No student shall move any University furniture out of their assigned room or move any unassigned University furniture into their assigned room. Students found in possession of Common Area furniture will be fined up to \$25.00 per student, per incident or piece of furniture, and may face other sanctions. Furniture must be used as designed and beds may only be raised by the use of an item designed for that purpose, and approved by the Resident Director for that specific use. Furniture must remain as assembled; any alteration from the assembly will result in monetary fine. Furniture may not be placed on cinder blocks, radiators, or other furniture unless specifically designed for such use. Lofts, homemade beds, and waterbeds are not permitted. Cinder blocks are not permitted in the residence halls. *Damage beyond normal wear and tear may result in the replacement cost billing for the piece of furniture.*

.10 Painting: Students are restricted from painting any bedroom or common areas in or around the residence halls. Wallpaper, borders, stencils, glow paint, and laundry detergent are prohibited. Any students painting any areas will be held financially responsible for the restoration of that area and subject to the University Campus Conduct Process.

.11 Lewd Acts and Displays: The presence and performance of strippers and/or exotic dancers, hired or voluntary, in or around the residence halls, is strictly prohibited. Lewd acts including, but not limited to, public urination, "mooning", streaking, "flashing" and public nudity are considered violation of this section. Public display of pornographic material, in or around the residence hall is strictly prohibited; this includes transmission, sharing, or posting of pornographic material via electronic means. Students and their guests are not permitted to film, photograph, or broadcast pornographic material. The solicitation of participants for the above purposes is strictly prohibited.

.12 Computers, Internet, and Network: Residents are expected to comply with all rules, regulations, and guidelines of the University's Office of Telecommunications. Misuse of the computer, Internet, or the network, including but not limited to: harassment via email, webcam, or website, running a server from a student bedroom or suite room, the operation of any type of business via their computer / Internet, and the violation of the above mentioned rules and regulations, is strictly forbidden. Policies related to this section can be found at www.uml.edu/policy.

2. SAFETY, HEALTH AND WELL BEING

.01 Safe conditions: No student shall create a safety or health hazard or nuisance in any residence hall. Examples of prohibited behavior include, but are not limited to: the possession or use of fog machines, excessive accumulation of garbage or filth in rooms, suites, hallways or lounges; changes in electrical wiring; lofts; homemade beds, water beds, or other unapproved constructions; additional items or acts as may be prohibited by the Director of Residence Life. The maximum occupancy for any residential area shall not exceed two guests per resident living in the room.

.02 Personal safety: No student shall knowingly create a condition, which unnecessarily endangers or threatens the safety or well being of themselves, any student, persons or property on the University campus including propping doors or emergency exits, "penny-in" occupants, preventing a door from closing or locking properly, as well as circumventing security procedures (i.e. entering or exiting through a window or an alarmed door).

.03 Alcohol: A resident or guest who is of legal drinking age may possess and consume alcoholic beverages in the residence hall. It must be consumed 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. No guest of any age is allowed to transport alcoholic beverages thru any public area. University Police or Residence Life staff will confiscate all alcohol and alcohol containers whether empty or full of resident students under the age of 21 in public areas and private bedrooms. Alcohol and alcohol containers, including decorative bottles and cans, whether empty or full are prohibited from Leitch or Bourgeois Halls at all times. Behaviors committed under the influence of alcohol will be considered a violation of the Alcohol Policy. *Major violations of this section may result in removal from housing as well as a referral to the University Campus Conduct Process.*

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 or consumption 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 are 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 or Bourgeois 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 or any substance 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.

.04 Windows and Roofs: No individual shall open, remove or damage screens or windows from any residence hall, nor attach any objects to the outside of the window/sill or roof; this includes cable wires, mini-satellite dishes, amplifiers, etc. No student shall throw, drop, project, or excrete any objects or liquids from any window or roof areas. Students and guests are prohibited from all roof areas, or from entering or exiting persons or belongings through windows. *Violation of this section may result in removal from housing as well as a referral to the University Campus Conduct Process.*

.05 Drugs and Controlled Substances: No student shall be in the presence of, use, grow, distribute, purchase, manufacture, or possess any drugs or drug paraphernalia considered illegal on the University campus. *All drug violations may also result in a referral to the University Campus Conduct Process, Counseling Center, Police, and/or expulsion from the residence halls. (See complete policy at end of conduct code).* Behaviors committed under the influence of any drug or controlled substance will be considered a violation of the Drug Policy.

.06 Fire Safety: No student shall refuse to observe any safety regulations or procedure and are required to evacuate during all fire alarms. No student shall cover, tamper with or otherwise misuse or endanger the proper functioning of smoke detectors, exit signs, fire extinguishers, fire safety systems, fire doors or other safety equipment on the campus. Tapestries, banners, flags, holiday lights, sheets, etc. may not be hung over light fixtures, smoke detectors, doorways, ceilings or sprinkler heads and pipes. The possession or use of fog machines is prohibited. Soldering, welding, or any open flame is prohibited in the residence hall. Ungrated or uncovered halogen lamps are prohibited from the residence halls. Power strips and electrical sockets must not have more than one continuous extension cord plugged into it (multiple extension cords cannot be connected to each other). Extension cords should not be run underneath carpeting. Live holiday trees, laurel roping, and wreaths are not permitted in the residence halls. Students are not permitted to use electrical closets as storage space. *Students found in violation of this policy may be charged with a felony by the Commonwealth of Massachusetts. Violation of this section may result in removal from housing as well as a referral to the University Campus Conduct Process.*

.07 Candles, Incense and Potpourri: Incense, candles, potpourri, and oil burners with open flames or coils may not be burned in the residence halls. Decorative candles may be displayed provided they do not show evidence of burning. Any candle showing evidence of burning will be confiscated immediately, have the wick removed, and discarded if not claimed from the Resident Director after 72 hours.

.08 Noise: All residents are expected to respect each other's study, sleep, and privacy needs. Residents are accountable for any noise that can be heard beyond their own bedrooms and/or common areas in keeping with 24-hour courtesy hours. Residents are expected to adhere to quiet hours, Sunday-Thursday, 9pm-8am, and Friday and Saturday, Midnight –10am. Quiet Hours are extended to 24 hours per day during Final Exams. The use of amplified instruments or drums is prohibited without the written consent of the Director of Residence Life or the designee.

.09 Pets and Animals: No person shall have or allow dogs, cats, snakes, lizards, rabbits, rodents, birds or any other animals in the residence halls. Fish in a tank no larger than ten (10) gallons are the only permitted pets.

.10 Appliances: Cooking appliances are prohibited in all residence hall bedrooms, suites and common areas, with the exception of Fox Hall kitchens, unless specifically designated. Possession and use of prohibited appliances is a violation of the conduct code.

NOT ALLOWED

- Open-face electrical or heating appliances
- Hamburger/sandwich cookers (including George Foreman Grills and similar items)
- Hot plates
- Space heaters
- Toaster ovens
- Electric skillets
- Woks
- Deep fryers

ALLOWED

(Must have auto-shut off feature)

- Hot air poppers
- Microwave ovens
- Tea and Coffee pots
- Hot pots
- Rice cookers
- Crock pot
- Refrigerators not exceeding 5.5 cubic feet (does not -need to auto-shut off)

The Office of Residence Life must approve the use of any other cooking appliances. Power strips and electrical sockets must not have more than one continuous extension cord plugged into it (multiple extension cords cannot be connected to each other). Extension cords should not be run underneath carpeting. The installation and use of window air conditioners is prohibited. Exceptions are made by the Director of Residence Life for portable air conditioners only, and will be granted for documented health reasons only.

.11 Misuse of elevators: No student shall overload, jam, jump in, or in any way misuse, damage or create an unsafe condition in any elevator in the residence halls. Vandalism to elevators will result in disciplinary action and restitution.

.12 Smoking: Any smoking including, cigarette smoking, smoking of cigars, beedies, clove or herbal cigarettes, pipes, or hookahs, is prohibited in all residence halls. Smokers are not permitted to smoke within 25 feet of the front entrance of the residence halls and must use proper receptacles to dispose of cigarette butts.

.13 Sports and Activities: Use of sports equipment including but not limited to bicycles, metal tipped darts, skate boards, and roller blades are prohibited in the residence halls. Physical activities including wrestling, martial arts demonstrations, and sports games are prohibited in the residence halls. Students and guests should don recreational equipment (i.e. roller blades) outside of, or in the foyer of their buildings. The use of water guns and water balloons is prohibited in the residence halls.

.14 Bicycles and Motorcycles: Bicycles may not be stored in public areas such as hallways or stairwells unless stored in a designated area. Bicycles may be stored in designated storage areas, as well as student bedrooms or suite living rooms within the residence hall or outside the building. Bicycles may not be hung on walls or ceilings. All motor vehicles (including motorcycles and motorized scooters) may only be parked in parking lots. Fuel and fuel storage tanks are not permitted in the residence hall for any reason. All motor vehicles must be registered. Bicycles need to be removed / taken home, at the end of the academic year; bicycles not removed will be considered abandoned and will be disposed. Refer to <http://parking.uml.edu>

.15 Parking and Driving: Students must register their vehicles through the University Police and may park only in specifically assigned areas and follow all University Parking Regulations. It is the responsibility of the resident to move a car during emergencies (snow, fire, etc. as directed by staff). Residents must familiarize themselves with University parking rules. All unauthorized vehicles are prohibited from parking or driving on sidewalks, lawns, or unestablished roadways. Refer to <http://parking.uml.edu>

.16 Solicitations and Distribution of Literature: All persons are strictly prohibited from solicitation of any product, service, non-university group or organization, or alcohol establishment within the residence halls and/or parking lots. Posters and fliers must be approved by the Assistant Director of Residence Life and may only be posted by Residence Life Staff.

3. OCCUPANCY RULES

.01 Room exchange/changes: No student may exchange his or her room within the residence halls without proper authorization. Use of coercive actions to force room changes is expressly forbidden.

.02 Unauthorized facilities use: Unless approved by the Director of Residence Life or designee, non-sleeping facilities in the residence halls such as living rooms and lounges shall not be used as a sleeping area, nor can the designed occupancy of an area be increased by students.

4. GUESTS

Having guests visit in the residence hall is a privilege, not a right that may be revoked due to violations of the conduct code.

.01 Permission to remain overnight: Guests may only remain in a room overnight if they are at least 17 years of age, has the permission of all the assigned occupants of the room, and has followed the appropriate sign-in procedures. Guests who are under the age of 17 are only permitted to remain in the residence hall until 11pm when they must leave. Special permission to stay overnight is granted with parental permission AND 48 hours advance notice to the Resident Director. If a guest does not have valid proof of age they will be considered to be under the age of 17 and must leave the residence hall at 11pm.

Individuals remaining for an extended period of time, or without the permission of a Resident Director are subject to a charge of \$25 per night billed to the assigned occupant / resident. Extended periods are considered to be more than two (2) nights in any residence hall within a seven (7) day period.

.02 Responsibility for guests: When a resident has a guest, she or he assumes full responsibility for the conduct of that guest even if they are separated in the building. The host is subject to disciplinary action as a result of their guest's behavior. Guests are expected to abide by all University and Residence Hall Regulations. Host is defined as the student signing the guest into the room, and/or the student in the presence of the guest.

.03 Absence of occupants: A guest may not occupy the hosts' bedroom or suite room in the absence of the host. The host must be in the presence of all guests at all times within of the residence hall.

.04 Maximum occupancy: Residents may have up to 2 guests in accordance with the sign in procedures, and must have the permission of a Resident Director to exceed this limit. The maximum occupancy for any residential area shall not exceed three times the designed occupancy.

.05 Denial of accommodations: A Resident Director may deny a guest permission to remain overnight or be a guest in the future. The guest shall be informed of the reasons when she or he is asked to leave. Appeals must be directed to and the Associate Director of Residence Life.

.06 Trespassers: Any person living in or visiting the residence halls, without a valid housing contract or without following Residence Life guest procedures is a trespasser. Trespassers shall be subject to a minimum charge of \$25 per day during the period of occupancy and subject to criminal charges.

.07 Intoxicated guests: Residents may be restricted from signing in a guest if University Police or the Residence Life Staff determines, or the guest appears to be under the influence of alcohol or other drugs. Parents or guardians may be called to transport the guest.

5. SECURITY OF BUILDING AND FACILITIES

.01 Unauthorized access: No individual shall use or possess any key or ID card to any residence hall room or area to which she or he is not specifically assigned. Residents may not grant permission or give use of keys and/or I.D. to an unassigned student.

.02 Illegal entrance, unauthorized presence: No student shall break into, or without authority or permission, enter any residence hall, office, or bedroom (of any other residence hall); nor shall any unauthorized student enter or remain in any residence hall at a time when that facility is officially closed.

.03 Restricted areas: No unauthorized student shall enter into any restricted area; 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, and identified staff parking spaces.

6. INTEGRITY OF TRANSACTIONS

.01 False testimony: No person shall give false testimony, or withhold information, in matters related to the Student Conduct Code, or a disciplinary investigation. Violations of this regulation will be considered a violation of the Student Conduct Code and will result in further disciplinary action.

.02 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.

Prank 911 or 2911 phone calls will be considered misrepresentation.

.03 False information: No student shall give false or misleading information or identification at any time (including during any part of a disciplinary process or when completing documents issued by or used by the University for official functions or activities). No student shall give false or misleading information, which could damage or discredit another person.

.04 Theft of service: No student shall tamper with or misuse cable TV, laundry, vending machines, or University phone services which he/she is not authorized to use. Students are permitted to make local and credit card calls from University phones. A fraudulent theft includes, but is not limited to, accepting collect calls and third party billing. Any student found misusing University or non-University services will be subject to restitution for charges or resulting damage.

7. OFFICIAL DIRECTIVES

.01 Staff Directives: Students must comply with the appropriate directives of University officials exercising assigned duties. University officials include Police, Security Officers, Fire Safety personnel, Residence Life staff, administrative staff, and faculty. Students must not interfere with the actions taken by staff. Students must comply with the directive to accept medical assessment if failure to do so may cause a medical emergency or injury to the student. When a student or guest is asked to open their backpack or bag(s) for suspicious contents and the student refuses to comply, the bag(s) or backpack will not be allowed into the residence hall. Students may appeal directly to the Director of Residence Life for a rescission of any official directive, but they must be in compliance with the directives at the time of the appeal.

.02 I.D. Cards: All students must immediately surrender their University I.D. card upon request by an authorized University official. All students are to have functional University I.D. cards in their possession at all times. *Major violations of this section may result in removal from housing as well as a referral to the University Campus Conduct Process.*

.03 Disciplinary Summonses: Failure to respond to a summons or a disciplinary meeting may be considered an additional violation of the conduct code, resulting in an increased sanction. Failure to attend a disciplinary meeting may result in the matter being adjudicated in absentia.

.04 Failure to Complete Sanction: Failure to complete a community service/educational sanction will be considered an additional violation of the conduct code, resulting in an increased sanction. In addition, if the uncompleted sanctions were in lieu of another sanction (i.e.: suspension) the original sanction will become effective immediately.

.05 Right to entry: Residence Life Staff, University Police and other University designees may enter a residence hall room at any time for the purpose of health, safety, and/or maintenance (emergency or student requested). In addition, the University reserved the right to enter a room when state, local, or federal laws and/or the UMASS Lowell Student Conduct Code or Residence Life Conduct Code, as related to the safety and well being of a resident or community member, is suspected to be in violation. Whenever possible, the University will attempt to provide the assigned resident with advance notice. Feel free to consult the staff with any questions you may have concerning the results of the inspections or the process. As with Fire, Health and Safety Inspections, if room entry should occur, notification will be left for the residents of the room.

DISCIPLINARY SANCTIONS

Disciplinary sanctions are imposed based upon the severity of a specific violation, its' impact on the University community and an individual's previous judicial history. Behaviors that also violate the University Student Code of Conduct, local, state and/or federal law may be factored into the determination of sanctions. Where two or more violations are combined in a single act, or where an individual has previously committed other violations, a heavier sanction may be imposed.

1. Official Sanctions:

Probation: Disciplinary probation is a period during which a student has an opportunity to demonstrate that she or he can act as a responsible and contributing member of the University community. The terms of the probation may be varied to fit the individual circumstances. Terms of probation may include a recommendation for counseling or satisfactory completion of an alcohol or drug education program or other support programs established by the University. Violation of any University regulation during the period of probation may result in suspension or expulsion from the residence halls or University.

Housing Suspension: Housing Suspension means that a student will be required to move out of the residence halls for a given period of time stated by the Director of Residence Life or designees. The student will be able to return to the residence halls following the period of suspension. Any individual under suspension from the residence halls is prohibited from entering all residential space during their suspension period. Students found in any residence hall during their suspension period will receive a minimum of an additional week of suspension, escorted out of the residence hall, and or subject to arrest for trespassing. Only the Office of Residence Life, the Resident Director or University Police may grant exception to this policy.

Removal: Removal from the residence halls means that the student will be required to move out of the residence halls completely and permanently, and will be ineligible to visit any residence hall until further notice. Students found in any residence hall during their period of removal will be referred to the University Campus Conduct Process and may be subject to arrest for trespassing.

Parental Notification: In accordance with federal law, any students under the age of 21 years who are found in violation of the University Alcohol or Drug Policy will be subject to a letter of notification being sent to their parent or legal guardian.

Imposed Reassignment: The student will be reassigned to an available space on campus at the discretion of the Office of Residence Life. The student shall be required to move to the new assignment within a specified period of time or be subject to immediate suspension from the residence halls.

Restriction from Suite Living: A determination may be made to restrict an individual student from living in suite style housing due to their demonstrated behaviors or personal needs. Examples include but are not limited to vandalism and a pattern of community conflict.

Restitution: Restitution for violations against persons or property may include payment for the replacement or repair of damaged property, including labor. This may include the replacement of lock cylinders and keys at a minimum cost of \$75.00.

Substance Education Program: In certain cases, as determined by the Office of Residence Life, individuals found in violation of the student conduct code will be required to complete or attend a Substance Education program and pay the appropriate fees.

Anger Management Program: In certain cases, as determined by the Office of Residence Life, individuals found in violation of relevant sanctions of student conduct will be required to attend an Anger Management Program.

Personal Assessment: In unique situations as determined by the Director of Residence Life or designee, a student may be required to participate in a meeting with a member of the Counseling Center staff to determine emotional or personal stability as directly related to the individuals personal stability or safety, or ability to participate in a community living arrangement.

Community Service: Assigned projects, programs and service to the University or its related bodies may be designed as an alternate or additional sanction. University Service will be work performed in assigned locations within the University and with a stipulated supervisor. Failure to complete a community service assignment will result in a minimum three-day suspension for fifteen hours or less not completed, or a minimum of a one-week suspension for more than fifteen hours not completed.

Educational Sanctions: Assigned projects, assignments, or programs designed to heighten the awareness and responsibility of students who violate the conduct code may be assigned as an alternate or additional sanction. The Resident Director or their designee will supervise these sanctions.

Restriction from Entering (PNG): Students or guests may be notified of their restriction from entering any specific or multiple residence halls on a temporary or permanent basis. Students found in violation of this directive will be subject to immediate removal and/or arrest for trespassing. Students found in the presence of, or hosting, restricted individuals will be subject to a suspension from housing.

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.

UMass Lowell as a Drug Free Campus

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

In addition, Congress has recently 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 loan programs, must have adopted and implemented guidelines to prevent the use of illegal drugs and alcohol by students and employees.

It is therefore, the University's responsibility to ensure that every student/employee be aware of the Policies and Sanctions pertaining to Violations of the residential Drug Policies.

RESIDENCE HALL DRUG POLICY

In accordance with the laws of the Commonwealth, and the safety needs of our residents, no student shall use, grow, distribute, provide, purchase, manufacture, or possess any drugs or drug paraphernalia considered illegal.

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. Level One *SEP attendance for all students, one week housing suspension for resident students and written reprimand for commuters.

- b. Second Offense: Parental notification for students under 21. Sanctions ranging from disciplinary probation and Level Two SEP attendance for all students and, in addition, removal from housing for residential students.
 - c. Subsequent Offenses: Parental notification for students under 21 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 and sanctions ranging from suspension to expulsion for all students.
 4. Sale or Distribution:
 - a. Parental notification for students under 21. Sanctions ranging from suspension to expulsion for all students.
 5. Manufacture/Cultivation:
 - a. Parental notification for students under 21. Sanctions ranging from suspension to expulsion for all students.

***Substance Education Program for Drug Offenses.** Two levels of SEP exist on campus:

- a. The first is an on-line program taken within a two week period at a cost of \$25.00.
- b. The second level is an assessment meeting with either a University Counselor or an Addiction Specialist and a fine of \$75.00; this determination will be made by the Hearing Officer or the Dean of Students or his designee.
- 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 one 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.

- In the event that drug paraphernalia or drug use occurs in a room, all assigned residents of a room may be held responsible, regardless of whether or not the drugs or drug paraphernalia are in their possession. In the event that the drug paraphernalia or drug use occurs in a common area or suite all occupants may be held responsible.
- All persons are prohibited from being in the presence of any drug activity while in the residence halls. If a resident student is found to be in the presence of others using drugs or drug paraphernalia, they may receive the same sanctioning as those using the drugs or drug paraphernalia.
- Minimal proof of the presence of marijuana within a room shall be defined as the confirmation of odor by University Staff or Police Officer. Other contributing factors may include, but are not limited to: haziness within the room, fans blowing out the window, towel under the door, presence of air freshener or other odor masking devices.
- Any object whose design is to use or hide the presence of drugs within the room shall, themselves, be considered drug paraphernalia.
- Any or all person(s) deemed by University Police or Residence Life Staff to be selling, distributing, or providing drugs within the residence halls will receive a mandatory sanction of removal from housing, may be subject to arrest, and will be referred to the campus conduct process.
- **All students are held to the University Alcohol and Drug Policies as stated within the University of Massachusetts Lowell Student Conduct Code and Disciplinary Process which follows. Please familiarize yourself with this Conduct Code and policies.**

UNIVERSITY OF MASSACHUSETTS LOWELL STUDENT CONDUCT CODE AND DISCIPLINE PROCESS

(REVISED NOVEMBER 2009)

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 assault or any other unwanted behavior of a sexually explicit nature.

Definitions:

Rape: Forced sexual intercourse, or oral, anal, vaginal penetration by, or union with, the sexual organ of another, or the anal or vaginal penetration of another by any other object that is perpetrated against the will of the victim. The type of force employed may involve physical violence, coercion or the threat of harm to the victim.

Acquaintance Rape: Acquaintance rape is sexual intercourse undertaken by a friend or acquaintance without the consent of the victim. Acquaintance rape occurs when a person is forced to have sexual intercourse over his or her objections or as a result of threats, physical restraints, or physical violence.

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.

Indecent Assault and Battery: Any unwanted sexual contact; including but not limited to unwanted touching, kissing, or fondling of any body part of a person.

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**—Drunkness and/or disorderly conduct is a violation of the Student Conduct Code.

V. Procedures for Adjudicating an Alleged Violation of the University of Massachusetts Lowell Student Conduct Code

Any member of the University community or any aggrieved member of the neighborhood community may notify the Dean of Students Office of violations of the University's Student Conduct Code. This must be done within 2 semesters of the alleged violation. The Dean of Students Office will then proceed to investigate this alleged violation of a University regulation. The complaint will be evaluated by a University Hearing Officer to determine if further action is appropriate. Once charges are brought the case must be heard through 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. 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 Discipline 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 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 Student 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. 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) 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. 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
3. 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 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.

4. 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, 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, panty raids, harassing another organization.
2. Modifying one’s appearance such as partial or total haircuts, shaving of eyebrows, tattoos, and drawing on skin with magic markers.
3. Engaging in public stunts and buffoonery.
4. Consumption of undesired foods or liquids, 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.

UNIVERSITY OF MASSACHUSETTS ALCOHOL AND DRUG POLICY Appendix B

LOWELL

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 or Bourgeois 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:

1. First time in the presence of: Parental notification for students under 21, written reprimand and Level One *SEP for all students.

2. First use/possession: Parental notification for students under 21, University written reprimand for all students, Level One *SEP for all students and a 3 business day housing suspension for resident students.

Second use/possession/in the presence of: Parental notification for students under 21, Level Two *SEP workshop for all students and 5 days housing suspension for resident students, and Disciplinary probation for all students.

Subsequent use/possession: Level Three *SEP Assessment attendance, parental notification for students under 21. Extended University Probation without restrictions for all students and removal from housing for resident students.

3. Alcohol Violations Requiring Medical Intervention: **1st offense:** Parental notification for students under 21, *SEP program or attendance for all students, written reprimand for all students, and a five-day suspension from housing. **2nd offense:** Parental notification or a meeting with student and parents based on the age of student and financial dependency. In addition, a five-day suspension from housing and University 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 Disciplinary probation 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 disciplinary probation to suspension or expulsion for all students. *Substance Education Program completion.

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 taken by the student within a two week period at a cost of \$25.00.
- The second level is a group process 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.

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 and 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. Level One *SEP attendance for all students, one week housing suspension for resident students and written reprimand for commuters.
 - b. Second Offense: Parental notification for students under 21. Sanctions ranging from disciplinary probation and Level Two SEP attendance for all students and, in addition, removal from housing for residential students.
 - c. Subsequent Offenses: Parental notification for students under 21 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 and sanctions ranging from suspension to expulsion for all students.
4. Sale or Distribution:
 - a. Parental notification for students under 21. Sanctions ranging from suspension to expulsion for all students.
5. Manufacture/Cultivation:
 - a. Parental notification for students under 21. Sanctions ranging from suspension to expulsion for all students.

***Substance Education Program for Drug Offenses.** Two levels of SEP exist on campus:

- d The first is an on-line program taken within a two week period at a cost of \$25.00.
- e The second level is an assessment meeting with either a University Counselor or an Addiction Specialist and a fine of \$75.00; this determination will be made by the Hearing Officer or the Dean of Students or his designee.
- f Another variation of the SEP Program is the program assigned to students who are 17 or under and have been found in possession of one 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, facility 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.