

# University of Massachusetts Lowell

## Office of Residence Life

### Student Conduct Code

#### 2008 - 2009

### Preamble

Conduct appropriate to a student at 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 Judicial Handbook and other publications.

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.

### SUMMARY OF THE RESIDENCE LIFE 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 conduct 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 Assistant 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 guilty 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 Dean of Students Office.*

**.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 Dean of Students Office.*

**.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 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 Dean of Students Office.*

**.07 Stolen property:** No student may possess any stolen or illegally acquired University 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, boarders, 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](http://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 three times the designed occupancy.

**.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:** 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. 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 Dean of Students Office.*

- 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 are expressly forbidden.
  - 6 Upon request by University personnel (i.e. Residence Life 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 Dean of Students Office.*

**.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. Any student possessing or in the presence of marijuana or any drug paraphernalia in or around the residence halls will receive a minimum sanction of a one week suspension from housing. *All drug violations may also result in a referral to the Dean of Students Office, 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 Alcohol 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 Dean of Students Office.*

**.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 Forman Grills and similar items
- Hot plates
- Space heaters

#### ALLOWED

*(Must have auto-shut off feature)*

- Hot air poppers
- Microwave ovens
- Tea and Coffee pots
- Hot pots
- Rice cookers

- Toaster ovens
- Electric skillets
- Woks
- Deep fryers
- 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:** Cigarette smoking, smoking of cigars, beedies, clove or herbal cigarettes, pipes, and hookahs is prohibited in all residence halls. Smokers are not permitted to smoke within 20 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. 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 roadway. 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 the confines 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 the 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 of intoxicated non-residents 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 that 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 judicial 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 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 Dean of Students Office..*

**.03 Disciplinary Summons:** 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 reserves the right to enter a room when state, local, or federal laws and/or the UMASS Lowell Student 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 Notification—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:

- a. **Housing Probation:** Housing 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 will may in suspension or expulsion from the residence halls or University.
- b. **Housing Suspension:** Housing suspension means that the student/s 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 residence halls 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.
- c. **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 Dean of Students Office and may be subject to arrest for trespassing.

- d. **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.
- e. **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. Any student found responsible for an act of vandalism within the suites will be immediately reassigned to non-suite-style living for a specific period of time.
- f. **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.
- g. **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.
- h. **Substance Education 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 complete or attend a Substance Education program.
- i. **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.
- i. **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 individual's personal stability or safety, or ability to participate in a community living arrangement.
- j. **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.
- k. **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.
- l. **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.
- m. **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.

- 1 A first time drug offense will result in parental notification for students under 21, Level One \*SEP attendance for all students, one week housing suspension for resident students and written reprimand for commuter students. Second drug offense will result in parental notification for students under 21, sanctions ranging from University disciplinary probation, level three SEP attendance for all students and, in addition, removal from housing for residential students. Subsequent offenses will result in parental notifications for students under 21 and University suspension for all students.
- 2 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.
- 3 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.
- 4 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.
- 5 Any object whose design is to use or hide the presence of drugs within the room shall, themselves, be considered drug paraphernalia.
- 6 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 Dean of Students Office.