

Doc. T16-029

Passed by the Board of Trustees

June 15, 2016

**UNIVERSITY OF MASSACHUSETTS
POLICY ON CODES OF STUDENT CONDUCT**

PURPOSE

To establish the essential elements for the codes of student conduct, including standard terms and definitions, expectations of acceptable behavior, and potential consequences for unacceptable conduct reflected in various campus policies and rules; and to require the issuance of standards to be followed by each campus.

I. INTRODUCTION

In addition to their academic pursuits, students at the University of Massachusetts (the “University”) are expected to be good citizens in their campus community. This requires adherence to standards of behavior and academic accountability set forth by the campus. The codes of student conduct on each campus enable students to understand these obligations.

In addition to this Statement of Policy, administrative standards will be issued to provide a framework for consistency among the codes of student conduct. The administrative standards will require each campus to have a code of student conduct which clearly defines expectations for acceptable student conduct consistent with University and campus policies and rules, as well as applicable federal and state laws and regulations, identifies possible consequences of unacceptable conduct, and sets forth procedures for addressing unacceptable student conduct on and off campus consistent with appropriate due process rights, in a fair and timely manner.

II. POLICY STATEMENT

It is the policy of the University that each campus establish a code of student conduct for the purpose of establishing community standards and procedures which foster and protect the academic and civic development of the University’s students in a secure learning environment, maintains reasonable order, and protects the rights of all members of the University community. The codes of student conduct will set forth the expectations of student behavior on and off campus and potential consequences for conduct violations.

Procedural rules for conduct violations will be developed and designed to safeguard the legal rights of individuals within the fundamental principles of due process and fairness. A code of student conduct must include: a description of potential consequences for violations of particular provisions of the conduct code, including suspension, interim suspension, or expulsion; and a clear description of any complaint and disciplinary processes, including any appeal rights.

Each code of student conduct will embrace core philosophies: preservation of the rights of free speech and peaceable assembly; respect for freedom of inquiry and constructive criticism; a conviction that honesty and integrity are key values to the University community; and the belief that all members of the University should be part of a campus environment that respects all members.

III. RESPONSIBILITIES

The President or designee, in consultation with the General Counsel and the Senior Vice President for Academic Affairs and Student Affairs or designee will issue administrative standards to implement this policy. Each campus' code of student conduct and related procedures shall comply with the scope of this policy and the standards.

**UNIVERSITY OF MASSACHUSETTS
ADMINISTRATIVE STANDARDS FOR THE POLICY ON
CODES OF STUDENT CONDUCT
(Doc. T16-029)**

I. INTRODUCTION

The University of Massachusetts (“University”) expects students as members of the University community to conduct themselves in accordance with the rules and policies of the University and state and federal laws. Students are expected to act with personal integrity and honesty in their academic work and University activities. These Standards assist in the implementation of the University’s Code of Student Conduct policy (the “Policy”) and provides a framework for each campus’ code of student conduct. This framework requires each campus to have a code of student conduct which clearly defines expectations for acceptable student conduct, identifies possible consequences of unacceptable conduct, and sets forth procedures for addressing unacceptable student conduct on and off campus in a fair and timely manner. All relevant University and campus policies should be incorporated by reference into a campus code of student conduct.

II. STANDARDS STATEMENT

The codes of student conduct of each campus of the University will state the behavioral expectations of students and articulate the procedures for addressing violations of these expectations, (the “Code”). The Code will establish potential disciplinary actions for unacceptable student conduct and behavior consistent with these Standards

III. CODE OF STUDENT CONDUCT

Each campus Code must clearly define the expectations for acceptable student conduct, identify possible consequences of unacceptable conduct, and set forth procedures for addressing unacceptable conduct whether occurring on or off campus in a fair and prompt manner. The Code should establish community standards and procedures which foster and protect the academic and civic development of the University’s students in a secure learning environment in support of the University’s mission. The Code must state clearly when and where it applies and that these University standards are separate from civil and criminal standards of conduct.

A. Procedures for Addressing Violations of the Code

Each campus is responsible for developing clear and concise procedures for addressing alleged violations of the Code and informing students, staff, faculty, and other campus visitors of these procedures. The campus office(s) responsible for investigating complaints alleging violations of the Code must be publicized by multiple means, including but not limited to, posting on campus websites, and be easily accessible and appear in a variety of formats and through multiple access points, including access for persons with disabilities. Procedures for addressing violations of the Code must provide the following:

- A description of the kinds of inappropriate or unacceptable student conduct for which a student may be disciplined.
- A description of the standards and procedures for addressing allegations of Academic Dishonesty, if these are incorporated within the Code. If the Academic Dishonesty standards and procedures are not incorporated within the Code, a campus Code should reference and identify the location of Academic Dishonesty standards and procedures.
- A statement that in addition to the Code, other laws and policies may proscribe unacceptable or prohibited conduct; including a campus' alcohol or drug policies, and that these laws and policies are incorporated by reference into the Code.
- A description of how to bring a complaint alleging a violation of the Code and the investigatory process which should include:
 - (1) Who may file a complaint.
 - (2) How a complaint may be filed, including the appropriate campus office/department.
 - (3) A statement that the reporting party should, to the extent possible, provide a clear and concise written statement of the conduct, identifying the persons involved, dates, times, location, communications, and any supporting documentation.
 - (4) A statement of the procedures by which a reporting party alleging sexual violence or retaliation may make a complaint, including a description of the privacy and confidentiality reporting options available to the reporting party.
 - (5) A statement of the interim measures available to a reporting party of sexual violence and the responding party, including access to counseling services, medical services, imposition of campus no contact order, imposition of a no trespass order, academic accommodations, residence modifications, etc. The process and available interim measures may be contained within the Code or a link with the appropriate information may be provided within the Code. [Note that this link must be accessible to the disabled].
 - (6) A description of the right of the responding party to a meeting or other manner in which the responding party may be heard regarding the application of an interim measure which restricts or limits the responding party's access to the campus, housing, or programs and activities of the campus, either before the interim measure is taken or within a reasonable time thereafter.
 - (7) A statement of rights of the reporting, responding party, and witnesses; and in cases involving a claim of sexual violence or a claim under the Violence Against Women Act ("VAWA") include any additional rights.
 - (8) A statement regarding the use and limitations of advisors during the investigation.

(9) A statement that the University's complaint and investigatory procedures do not deprive a complainant of the right to file with an outside enforcement agency. The address and telephone number for these agencies should be listed. A statement that the University will continue with its investigation even when the reporting party files with an outside enforcement agency, or initiates litigation.

(10) A statement about how a reporting and responding party will be notified during the complaint, investigatory and if applicable, appeal process.

- A statement prohibiting retaliation. The definition for retaliation should be as provided in the University's Nondiscrimination and Harassment policy.
- A statement that the investigatory process will be timely and impartial. A statement that the campus will conduct a prompt investigation and seek to resolve all complaints within a reasonable time period, though more complex investigations may require additional time. The investigator will notify the parties in writing of any delay in the investigation.
- A statement that the campus may respond to a potential violation of the Code even if a formal complaint has not been filed.
- A statement that the reporting party may describe their desired remedy; acknowledging that said remedy may or may not be sought or achieved.
- A statement identifying the standard of evidence to be used for resolving complaints. For Title IX complaints a preponderance of the evidence must be used; e.g. *it is more likely than not* that the Code was violated based on the evidence presented.
- A statement of the sanctions that may be imposed and a description of conduct that may solicit a specific sanction.
- A statement that pending criminal charges shall not prohibit or delay the investigation or resolution of any complaint.

B. Appeal Process

- Statement describing the appeal process and to whom it applies, and the timeline for filing an appeal.
- For Title IX or VAWA claims ONLY a statement that both the reporting party and the responding party may be entitled to file an appeal based upon the same grounds of appeal provided under the appeal process.
- Description of how an appeal may be made; and
- Language describing the grounds for appeal.

IV. SANCTIONS/ADMINISTRATIVE ACTION

The Code must include the range of sanctions that may be issued for violations of the Code.

V. UNIVERSITY AND OTHER CAMPUS POLICIES

Each campus shall incorporate applicable University policies into the Code. In addition, each campus shall develop campus policies relating to appropriate student behavior and conduct and these campus policies may include language regarding the importance of mutual respect, appreciation of divergent views and the rights of free inquiry and expression. The Code shall include, but not be limited to, policies on the acquisition, use, sale, distribution, possession, transportation and/or consumption of drugs and alcohol that is consistent with applicable laws. The Code shall provide a statement of the sanctions that may be imposed and a description of the conduct that may result in a specific sanction for violation of a policy. The Code shall reference the policies incorporated by reference into the Code.