

# **University of Maine System Student Conduct Code**

**Effective Date: August 1, 2025**

In complying with the letter and spirit of applicable laws and pursuing its own goals of diversity, the University of Maine System does not discriminate on the grounds of race, color, religion, sex, sexual orientation, transgender status, gender, gender identity or expression, ethnicity, national origin, citizenship status, familial status, ancestry, age, disability physical or mental, genetic information, or veterans or military status in employment, education, and all other programs and activities.

The University provides reasonable accommodations to qualified individuals with disabilities upon request. The following person has been designated to handle inquiries regarding non-discrimination policies: Director of Equal Opportunity, 5713 Chadbourne Hall, Room 412, University of Maine, Orono, ME 04469-5754, 207.581.1226, TTY 711 (Maine Relay System).

**UNIVERSITY OF MAINE SYSTEM**  
**STUDENT CONDUCT CODE**  
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# STUDENT CONDUCT CODE

The Student Conduct Code (“Code”) is a requirement under the University of Maine System (“University”) Board of Trustees Policy Section 501 and exists to notify students, faculty, and staff of the specific expectations the University holds related to student behavior and the rights and responsibilities that accompany being a student and participating in student activities and organizations. The University expects students to maintain standards of personal integrity in harmony with its educational goals; to be responsible for their actions; to observe national, state, and local laws and regulations, and University rules and policies; and to respect the rights, privileges, and property of others.

The Code process is intended to be a learning experience that can yield growth, behavioral changes, and personal understanding of one’s responsibilities and the consequences and impacts of one’s actions. This process balances the needs and rights of students with the needs and expectations of the University and larger community. The Code process offers a continuum of responses to allegations of misconduct. Students are treated with care and respect and are afforded the opportunity to receive a fair hearing. Many sanctions and interventions are designed to be educational and restorative in nature, promoting the University’s mission.

What constitutes a violation of the Code and what sanctions may be imposed will be determined using the definitions set forth in the Code in effect at the time of any alleged violation(s).

With regard to the procedures that will be used to resolve any report of an alleged violation, the version of the Code in effect at the time of the report to the University will be used regardless of when the alleged conduct occurred; except where State or Federal Law prescribes otherwise.

## **Reporting Concerns Regarding the Application of this Code**

Student rights and responsibilities are outlined throughout this Code. If students have questions or concerns about this Code or the way this Code is being applied, they should contact a Conduct Officer at their Institution within the University of Maine System; this may be either the Conduct Officer handling a particular matter or another Conduct Officer. If those questions or concerns remain unresolved, the student may

contact the Conduct Officer's supervisor or the Coordinator of UMS Student Conduct. If those questions or concerns remain unresolved following this process, students may contact the University of Maine System Vice Chancellor for Academic and Student Affairs. Please note that the Vice Chancellor's role is to review the application of the Code, not to serve as a new, alternative, or final level of appeal for conduct cases.

### **Bias and Conflict of Interest**

Faculty, staff, and students participating or serving in any role or process under the Code have the obligation to be unbiased and to avoid Conflicts of Interest. If a faculty, staff or student believes they may have a current Conflict of Interest or that one is foreseen, they shall promptly and fully disclose the Conflict of Interest to the Coordinator of UMS Student Conduct and shall refrain from participating on behalf of the University. Additionally, each is required to affirm no Conflict of Interest with their role or responsibility, or bias, prior to participating in each matter under the Code.

- A. Any Party has the right, for demonstrated bias or Conflict of Interest, to request the removal of an Investigator, Conduct Officer, Student Conduct Hearing Board (SCHB) member, or Appeal Panel member. Requests for removal must be submitted to the Coordinator of UMS Student Conduct stating the grounds for the removal at least two (2) days prior to the first date of the scheduled resolution process.
- B. Removal of an Investigator, Conduct Officer, SCHB member, or Appeal Panel member, for demonstrated bias or conflict of interest, will be within the authority and at the discretion of the Coordinator of UMS Student Conduct with an alternative(s) appointment provided, as necessary.

### **Accommodations and Other Support Services**

The University is committed to providing necessary accommodations to ensure a fair and safe process for participants. Just as students may be eligible for accommodations in their classes, accommodations may be available for Student Conduct processes. Students may request accommodations from Student Conduct by following the same procedures they would follow to request academic accommodations. If academic accommodations have already been granted, the student must present a current accommodation verification letter from their Institution's accommodating office (e.g. Accessibilities Office) in

advance of the conduct resolution process in order for the student's accommodations to be considered. Students should not assume that the Investigator, Conduct Officer, SCHB, or Appeal Panel are aware of the student's accommodation needs. The Conduct Officer and/or the Coordinator of UMS Student Conduct will review accommodations in accordance with University policy and determine if reasonable accommodations in the conduct resolution process can be made.

### **Student Conduct Amnesty**

The University strives to maintain a balance between student support and accountability. The University believes in addressing student health and safety concerns directly, and confronting dangerous behaviors, but also in encouraging students to seek help in situations where their own, or another student's health is endangered. As such, a student who seeks assistance on behalf of themselves or another individual experiencing an alcohol and/or drug related incident, may receive amnesty from disciplinary action for the alcohol and/or drug use under the Code, at the discretion of the Conduct Officer. Students who participate in Code investigations may also be eligible for amnesty from disciplinary action under the Code, at the discretion of the Conduct Officer.

Students who report information about an alleged Violence Against Women Act (VAWA) (sexual assault (rape, non-consensual fondling, incest, or statutory rape), domestic violence, dating violence, and/or stalking), sexual harassment, sexual violence, or other sexual misconduct incident will not be disciplined by the University for any violation of drug or alcohol use, trespassing, unauthorized entry of the University's facilities or other minor violations of the Student Conduct Code in which they might have engaged in during the reported incident; unless the University determines that the report was not made in good faith or that the violation was egregious. An egregious violation must include, but not be limited to, taking an action that places the health and safety of another person at risk and/or constitutes criminal or illegal behavior.

## **I. JURISDICTION**

This Code applies when the University has jurisdiction over both the Responding Party and the alleged conduct.

- A. The University has jurisdiction over the Responding Party when the Responding Party is, at the time of the alleged conduct, any one of the following:
1. A student at the University.
    - a. A “student” means any person who has accepted, registered, or enrolled in any course or program offered by the University, including distance courses, and who has not been absent from the University greater than one (1) calendar year.
    - b. A student is considered to be “enrolled” at the University until such time as the student has:
      - i. Officially graduated from the University; or
      - ii. Been officially dismissed from the University; or
      - iii. Been absent from the University for a period of time greater than or equal to one (1) calendar year; or
      - iv. On a sanction of Disciplinary Suspension at the time of the alleged conduct violation.
  2. A University-recognized Student Organization, or any Student Organization not recognized at the time of the report, but under University probation or suspension.
    - a. Individual and Organizational Responsibility: The University will, on a case-by-case basis, determine whether any violations of this Code are individual, organizational; or both, in nature. In determining whether or not a violation is organizational in nature, the University may consider the following: (a) How many members were present when the alleged violation occurred or had specific knowledge of the alleged violation? (b) What knowledge the appropriate officers and/or advisors had of the alleged violation? (c) What involvement or action the appropriate officers and/or advisors engaged in regarding the alleged violation? (d) Were members acting in concert, or did the individual’s membership in the organization serve as an impetus for the alleged violation? (e) Did the violation arise out of a sponsored, financed or endorsed event? (f) Is there a pattern of individual violations that have occurred without proper action by the organization and/or its officers?
    - b. The University reserves the right to resolve Student Organizational allegations with the individual students,

the Student Organization, or both. Joint action may happen simultaneously or with action against either the Student Organization or the individual students first at the discretion of the Conduct Officer and/or the Coordinator of UMS Student Conduct.

- B. The University has jurisdiction over the alleged conduct when the alleged conduct occurs:
  - 1. On any campus/Institution of the University, on any University Property or when the alleged conduct involves University Property; or
  - 2. At an activity or program sponsored by the University; or
  - 3. In any context where the University can demonstrate a substantial interest regardless of the location of the conduct, including online or off-campus, and where the conduct threatens:
    - a. Any University educational process; or
    - b. Legitimate function of the University; or
    - c. The health or safety of any individual.
- C. It is at the University's discretion to determine whether jurisdiction applies. In general, jurisdiction is determined as of the date of the alleged conduct.
- D. If a student officially withdraws from the University or does not participate in the disciplinary process, the process will continue and the student may not, at the discretion of the University, be permitted to return to the University until the student is found not responsible for a violation of this Code or until any imposed sanctions have been satisfied.

## **II. DEFINITIONS**

- A. Adaptable Conflict Resolution (ACR): is a type of informal resolution for cases that are based in conflict amongst individuals or groups which allow the individuals involved in the conflict to participate in the resolution, as more fully described in this Code.
- B. Advisor: An individual assisting or supporting any Party involved in any matter governed by this Code. An Advisor may not serve



as a witness or a participant in the Case. Examples of Advisors include, but are not limited to, family members, friends, University employees, and attorneys. Advisors are not permitted to speak on behalf of their student and all communications (written and verbal) including, but not limited to, statements, questions, requests for review of an Interim Action, objections for bias, and appeals must come directly from the student.

C. Affirmative Consent: A person's voluntary agreement to engage in specific sexual contact.

1. Affirmative Consent must be:
  - a. informed, freely, and actively given, and consist of a mutually agreeable and understandable exchange of words or actions; and is
  - b. clear, knowing, and voluntary; and
  - c. active, not passive.
2. Consent may be revoked at any time and when outwardly communicated that Consent is withdrawn, sexual activity must cease.
3. Silence, passivity, or absence of resistance, in and of itself, cannot be interpreted as Consent.
4. Consent can be given by words or actions, as long as those words or actions create mutually understandable and clear permission regarding willingness to engage in (and conditions of) sexual activity.
5. Past Consent does not imply future Consent. Even in the context of an ongoing relationship, Consent must be sought and freely given for each sexual act.
6. Consent to engage in one form of sexual activity does not imply Consent to engage in any other sexual activity.
7. Consent to engage in sexual activity with one person does not imply Consent to engage in sexual activity with any other person.
8. It is not Affirmative Consent when the exchange involves unwanted physical force, coercion, intimidation and/or threats.
9. If an individual is mentally or physically incapacitated or otherwise impaired such that one cannot understand the fact, nature, or extent of the sexual situation, and the Incapacitation is known or should be known to a

Reasonable Person, there is no Consent. This includes conditions resulting from voluntary alcohol or drug consumption, or being asleep, or unconscious. The assessment is based on objectively and reasonably apparent indications of Incapacitation when viewed from the perspective of a Reasonable Person.

10. Affirmative Consent is not valid if the person is too young to Consent to sexual activity under applicable Maine Law (<https://legislature.maine.gov/statutes/17-a/title17-Asec254.html>), even if the minor wanted to engage in the activity.

11. In evaluating whether Consent was given, consideration will be given to the totality of the facts and circumstances, including but not limited to:

- a. the extent to which a Reporting Party affirmatively used words or actions indicating a willingness to engage in sexual contact free from intimidation, fear, or coercion;
- b. whether a Reasonable Person in the Responding Party's position would have understood such person's words and acts as an expression of Consent; and
- c. whether there are any circumstances, known or reasonably apparent to the Responding Party, demonstrating Incapacitation or lack of Consent.

D. Agreement-Based Resolution (ABR): is a type of informal resolution used to resolve minor violations of the Code that do not warrant extensive investigation and where the Responding Party accepts responsibility, as more fully described in this Code.

E. Appeal Panel: A group of individuals that reviews and makes decisions on appeals challenging a Determination from a Conduct Resolution Meeting (CRM), or Student Conduct Hearing Board (SCHB).

F. Conduct Officer: A person who has received specialized training and is designated by the University to address alleged violations of this Code.

- G. Conduct Resolution Meeting (CRM): A meeting with a Conduct Officer to determine if a Responding Party has violated any section(s) of the Code, as more fully described in this Code.
- H. Conflict of Interest: When a person or related organization has an existing or future interest or association which conflicts with their role or responsibility within the University and/or is or would be in violation of UMS Board of Trustees Policy Section 410.
- I. Coordinator of UMS Student Conduct: The individual designated by the University of Maine System, and anyone they designate in their place, to be responsible for providing guidance, support and direction in the Code process and ensuring compliance with applicable policies, regulations, and laws.
- J. Crimes of Violence: The federal Family Educational Rights and Privacy Act provides an exception that allows for Institutions to disclose the results of the conduct process for alleged crimes of violence. The offenses that constitute a crime of violence include arson, assault offenses, burglary, criminal homicide (manslaughter by negligence), criminal homicide (murder and non-negligent manslaughter), destruction/damage/vandalism of property, kidnapping/abduction, robbery, forcible sex offenses, statutory rape, and incest.
- K. Disciplinary File: A file of all incident reports and associated documents where a student or Student Organization may have been alleged to have violated this Code, including incidents where the student or Student Organization was ultimately found not responsible and Cases that were resolved through Agreement-Based Resolution. Disciplinary Files are retained in accordance with the University of Maine Record Management Practices (APL IV-D).
- L. Disciplinary Record: A student or Student Organization is considered to have a Disciplinary Record when the student or Student Organization has been found responsible for violating this Code and any appeal process has expired or completed. This does not include informal Agreement-

Based Resolutions (more fully described in this Code).  
Disciplinary Records are retained in accordance with the University of Maine Record Management Practices (APL IV-D) and are released according to the procedures more fully described in this Code.

- M. Hearing Officer: A University Official, including, and not limited to, a Conduct Officer or Student Conduct Hearing Board Chair, authorized to resolve Cases under the Code and determine whether a student or a Student Organization has violated the Code and to impose sanctions when it has been determined that a violation has occurred.
- N. Incapacitation; Incapacitated: An individual who is Incapacitated lacks the ability to make rational, reasonable decisions because the individual lacks the capacity to give knowing consent (e.g., to understand the “who”, “what”, “when”, “where”, “why”, or “how” of their interaction, sexual or otherwise). A person may be incapacitated because of their consumption of alcohol or other drugs and/or because they are mentally or physically helpless or disabled, asleep, unconscious, or unaware that sexual activity is occurring. “Helpless” means a person is incapable of appraising or controlling one's own conduct, unable to verbally or otherwise communicate Affirmative Consent or unwillingness to an act.
  - 1. Where alcohol or other drugs are involved, incapacitation is a state beyond impairment or intoxication, and involves an assessment of how the consumption of alcohol and/or drugs affects a person’s decision-making ability; awareness of consequences; ability to make informed, rational judgments; capacity to appreciate the nature and quality of the act; or level of consciousness.
- O. Interim Actions: Actions, as more fully described in this Code, taken to promote the safety and well-being of the Parties and/or the University community and imposed independently and prior to the completion of the resolution of the Case through the regular resolution process, and are in place through the final resolution of the Case; unless specified otherwise in writing.
- P. Institution: Any one of the schools, campuses, or centers within the University of Maine System (the "University"), including:

- University of Maine at Augusta
- University of Maine at Farmington
- University of Maine at Fort Kent
- University of Maine at Machias
- University of Maine
- University of Maine at Presque Isle
- University of Southern Maine
- University of Maine School of Law

This definition encompasses all constituent entities of the University of Maine System and all University Property associated therewith.

- Q. No Contact Order: An administrative directive issued by a University Official prohibiting contact, indirectly and directly, between two or more individuals. Once issued, it can be reinforced/continued by a Hearing Officer by including it in the sanctioning statement in any related Case. A No Contact Order does not in and of itself create a Disciplinary Record (defined above), however, a violation of the No Contact Order is subject to disciplinary action.
- R. Notice: Official written communication from the University, which is considered effective if hand delivered, mailed with signature confirmation of delivery at the person's or entity's last known address, or delivered through the use of the student's University email account with confirmation of delivery. The University's primary method of communication throughout the conduct process is via email sent to the student's University email address. Students are expected to regularly monitor their official University email account.
- S. Party; Parties: May refer to the Reporting Party, Responding Party, or the both Parties collectively.
- T. Preponderance of the Evidence: A standard that requires a fact or event to have more likely than not occurred, e.g., a greater than fifty percent (50%) likelihood.
- U. Reasonable Person: A representative individual under similar circumstances to the person in question, who exercises care,

skill, and judgment.

- V. Reporting Party: Any person who alleges they, themselves, have been harmed by a student or Student Organization and directly aggrieved by an alleged incident in violation of this Code. At the University's discretion, the University may be the Reporting Party in a Case if the Reporting Party declines to participate and/or the University determines the Case should continue with the process under this Code. When doing so, the University will assume all the rights of the Reporting Party with the exception of any right to appeal the Determination.
- W. Responding Party: Any student or Student Organization that has been alleged to have violated this Code or has been charged with a violation of this Code. When resolving a Case where the Responding Party is a Student Organization, the President of the Student Organization will serve as the Responding Party and single point of contact for the Conduct Officer; unless in the discretion of the Conduct Officer another member is designated.
- X. Student Conduct Hearing Board; SCHB, or Hearing Board: A body of trained University persons providing due process to Responding Parties accused of violating this Code, the membership and procedures of which is more fully described below.
- Y. Student Organizations are voluntary associations of two or more actively enrolled University students that are student-initiated and student-run. Student Organizations are recognized by the University per University policy and may have access to certain University-controlled benefits and resources, such as facilities use and funding eligibility. Varying opportunities and requirements exist to be a recognized Student Organization. University-recognized Student Organizations, including those operating under probation or suspension, are subject to the Student Conduct Code.
- Z. Support Person: A person who provides emotional or personal support or other assistance to a Party during the investigative and hearing proceedings under this Code. A Support Person may not

serve as a witness or another Party in the case except in cases that involve VAWA, Sexual Harassment, Sexual Violence, and/or Sexual Misconduct allegations. Examples of a Support Person include, but are not limited to, family members, friends, or University employees. Support Persons are not permitted to speak on behalf of their student and all communications (written and verbal) including, but not limited to, statements, questions, requests for review of an Interim Action, objections for bias, and appeals must come directly from the student.

- AA. University of Maine System (the “University”): Means either collectively or singularly, any of the of following campuses/Institutions and/or centers: University of Maine at Augusta; University of Maine at Farmington; University of Maine at Fort Kent; University of Maine at Machias; University of Maine; University of Maine at Presque Isle; University of Southern Maine; University of Maine School of Law; and all University Property.
- BB. University Official: Any person employed or engaged by the University to perform assigned administrative or professional responsibilities, including campus police or security staff. University Officials may be full or part-time or may be student staff members.
- CC. University Property: Includes, but is not limited to, any Real or Personal Property owned, held, rented, licensed, chartered, or used at the University’s discretion, Real or Personal Property otherwise engaged by the University in any manner or by University employees or University organizations as a direct result of and in connection with their service to the University.
1. Real Property: Land, buildings, fixtures, improvements, and any interests therein.
  2. Personal Property: All property, other than real property, and any interests therein.
- DD. VAWA (Violence Against Women Act) Offenses: Offenses of sexual assault (rape, fondling, incest or statutory rape), domestic violence, dating violence, and/or stalking.

EE. Witness: A person who has directly observed, or has personal knowledge or experience of, a possible violation of this Code.

### III. VIOLATIONS

The following violations contravene this Code.

The violations listed below are considered in the context of the student's responsibility as a member of the University community. Other University-issued documents establish other University expectations, for example, housing contracts, student handbooks, academic integrity policies, or program-specific codes of conduct, ethics or professional responsibility. Violations of such University expectations may outline procedures and consequences of alleged violations which may result in a disciplinary process under this Code.

#### A. Academic Offenses

1. Academic Integrity Violations as more fully defined in the University's Board of Trustee Policy Section 314 Academic Integrity: including, but not limited to:

- a. Cheating: The act or attempted act of deception by which a Responding Party seeks to misrepresent that they have mastered information on an academic exercise that they have not mastered. Cheating is also the use or attempted use of unauthorized assistance in an examination, paper, homework assignment, or other project including consulting with one or more individuals on an academic exercise or examination without the express permission of the course instructor.
- b. Contributing to Academic Misconduct: Assisting another person's, student's, or Student Organization's academic misconduct.
- c. Fabrication: The use of invented information or the falsification of research or other findings in an academic exercise.
- d. Plagiarism: The submission of another's work as one's own, without adequate attribution. This includes work generated by or originating from non-human



sources such as Artificial Intelligence (A.I.). Plagiarism is academic theft.

e. Other forms of Academic Misconduct: Any actions by which one seeks an unfair academic advantage over others, or violations of the Academic Integrity Policy as may be reported by a faculty member or other academic officer.

2. Changing, Altering, or Being an accessory to changing and/or Altering without permission a grade in a grade book, on a test, a “change of grade” form, an electronic record, or other official academic record of the University that relates to grades.

3. Multiple Submissions of Work: Submitting the same academic work, or substantially the same work, for more than one class course without prior approval of both faculty members.

4. Tampering with, Circumventing, or Destroying any educational material or resource in a manner that deprives any other student of fair access or reasonable use of that material or resource. Educational resources include but are not limited to computer facilities, electronic data, reserved readings, reference works, or other library materials.

5. Tampering with, Destruction, or Falsification of Official Records: Intentionally or knowingly altering or destroying official documents or presenting false official documents or information from such documents to the University, any individual, or to a local, state, or federal agency.

6. Violation of Course Rules: Any action that violates course rules as contained in a course syllabus which is rationally related to the content of the course or to the enhancement of the learning process in the course.

7. Violation of Professional Standards and/or Ethics: A violation of professional standards or ethical code related to one’s intended profession as defined by the academic program or department.

## B. Offenses Involving University Operations

1. Causing a Disturbance: Conduct which causes interference with or results in substantial disruption of University activities.

2. Failure to Comply with Sanction or Agreement: Failure to comply with a sanction imposed under this Code; or failure to

comply with an Agreement or other Resolution entered into under this Code.

3. Failure to Identify: Failure to identify oneself accurately to a University employee performing their official duties.

4. Interference with Code Enforcement: Interference with a Reporting Party, Responding Party, witness, investigation or the carrying out of procedures defined in this Code.

5. Interference with or Failure to Comply with a University Official: Direct interference with or failure to comply with a University Official in the performance of their official duties.

6. Reckless Conduct: Conduct that is inherently or potentially unsafe to other persons and a reasonable person would be aware of the recklessness of the conduct.

7. Supplying False Information: Knowingly providing incorrect or untrue information to a University Official in pursuit of their official duties or in the course of a Code proceeding, or knowingly causing false information to be thus supplied.

8. Unauthorized Representation: An individual or entity claiming to represent the University or University employees without the authorization to do so.

9. Violation of Housing Contract: Violation of housing contract(s), except when the housing contract specifically provides for an alternate procedure or remedy for the alleged violation.

10. Violation of Student Organization Rules: Violation of a University rule, policy, procedure, standard of conduct, or code of ethics governing a Student Organization as defined above.

11. Violation of other Published University Regulations, Policies, or Rules: This includes actions that violate established guidelines governing conduct, activities, and responsibilities within the University community.

#### C. Offenses Impacting Health & Safety

1. Creating a Dangerous Condition: Creation of a fire hazard or other dangerous condition, which may cause harm or actually does cause harm to any individual or to property.

2. False Reporting of Dangerous Conditions: Giving or causing to be given false reports of an emergency, fire or other dangerous conditions to the University or to local, state or federal authorities.

3. Endangering Health or Safety: Conduct which threatens or endangers the health or safety of any individual including that of the Responding Party.
4. Violation of Health or Safety Policies: Violation of University health or safety rules, policies, or procedures.
5. Illegal Possession, Use, or Sale of Alcohol, other Drugs, or Tobacco: Illegal possession, use, distribution, or sale of alcohol, other drugs, drug paraphernalia, or tobacco as defined by State or Federal law.
6. Violation of Alcohol, other Drugs, or Tobacco and Smoke Free Policies: Violations of alcohol, other drugs, or tobacco and smoke free policies.
7. Interference with Safety Equipment or Alarms: Tampering with, or disabling, or causing the malfunction of fire and safety equipment or alarm systems.
8. Restricting Traffic Flow: Restriction, obstructing, or impeding normal pedestrian or vehicle traffic flow anywhere on University property, including but not limited to entrances, exits, roadways, sidewalks, and crosswalks.
9. Unauthorized Use or Possession of Chemicals or Explosives: Unauthorized use or possession of explosive components, chemicals, etc., such as fireworks, explosives, gas, or compressed air.
10. Violation of Weapons Policies or Regulations: Possession or misuse of firearms or other dangerous weapons in violation of University policies, regulations, or laws.

#### D. Offenses Involving Other People

1. Assault: Intentionally, knowingly, or recklessly causing bodily injury or offensive physical contact to another person.
2. Behavior That Restricts Freedom: The use of physical force or violence or imminent threat of physical force or violence to restrict the freedom of action or movement of another person.
3. Causing Fear of Physical Harm: Intentionally or knowingly placing another person in fear of imminent bodily injury.
4. Dating Violence: Violence committed against a person by an individual who is or has been in a social relationship of a romantic or intimate nature with that person. Whether a dating relationship exists is determined based on multiple factors including the Reporting Party's statement and with consideration

of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence below. All forms of dating violence prohibited by applicable law are also included (for example, Assault).

5. Discrimination: Disparate treatment based on actual or perceived race, color, religion, sex, sexual orientation, transgender status, gender, gender identity or expression, ethnicity, national origin, citizenship status, familial status, ancestry, age, physical or mental disability, genetic information, veteran or military status; including but not limited to racism, colorism, antisemitism, Islamophobia, xenophobia, sexism, transphobia, ableism and/or other forms of bigotry involving protected characteristics.

6. Domestic Violence: A felony or misdemeanor crime of violence committed by:

- a. A current or former spouse or intimate partner of the victim; or
- b. A person with whom the victim shares a child in common; or
- c. A person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner; or
- d. A person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or
- e. By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.
- f. All forms of domestic violence prohibited by Maine law are also included.

7. Gender Discrimination: Discriminating against an individual on the basis of that individual's actual or perceived sex, sexual orientation, transgender status, gender, gender identity or expression.

8. Harassment: Severe or pervasive unwelcome conduct, including but not limited to: comments; jokes; acts; other verbal or physical conduct or bullying, that that unreasonably interferes with or creates a hostile environment in an individual's

employment, housing, or access to education and that may be based on race, color, religion, sex, sexual orientation, transgender status, gender, gender identity or expression, ethnicity, national origin, citizenship status, familial status, ancestry, age, physical or mental disability, genetic information, veteran or military status. The following factors may be considered:

- a. The degree to which the conduct affected one or more students' education or individual's employment;
- b. The nature, scope, frequency, duration, and location of the incident(s);
- c. The identity, number, and relationships of persons involved;
- d. Whether the conduct arose in the context of other discriminatory conduct;
- e. Whether the conduct altered the conditions of the Reporting Party's educational or work performance and/or UMS programs or activities;
- f. Whether the conduct implicates academic freedom or protected speech; and
- g. Other relevant factors that may arise from consideration of the reported facts and circumstances.

9. Hazing: Any intentional, knowing, or reckless action or situation, including harassing behavior, or any activity expected of an individual that humiliates, degrades, abuses or endangers the individual, including harassing behavior, committed by a person (whether individually or in concert with other persons) against another person or persons regardless of the willingness of such other person or persons to participate, that is committed in the course of initiation into, an affiliation with, or the maintenance of membership in a Student Organization; or otherwise causes, or creates a risk, above the reasonable risk encountered in the course of participation in the institution of higher education or the organization (such as the physical preparation necessary for participation in an athletic team), of psychological or physical injury; recklessly or intentionally, including, but not limited to:

- Whipping, beating, striking, electronic shocking, placing of a harmful substance on someone's body, or similar activity;
- Causing, coercing, or otherwise inducing

sleep deprivation, exposure to the elements, confinement in a small space, extreme calisthenics, or other similar activity;

- Causing, coercing, or otherwise inducing another person to consume food, liquid, alcohol, drugs, or other substances;
- Causing, coercing, or otherwise inducing another person to perform sexual acts;
- Any activity that places another person in reasonable fear of bodily harm through the use of threatening words or conduct;
- Any activity against another person that includes a criminal violation of local, State, Tribal, or Federal law; and
- Any activity that induces, causes, or requires another person to perform a duty or task that involves a criminal violation of local, State, Tribal, or Federal law.

10. Interference with Residential Life: Significant interference with University residential life.

11. Intimate Partner Violence: means any of the acts that constitute abuse under 19-A M.R.S.A. §4010202(1)(A to H) (<https://legislature.maine.gov/legis/statutes/19-A/title19-Asec4102.html>) that are committed by an individual who is or has been in a social relationship with another individual of an intimate nature regardless of whether the individuals were or are sexual partners. Intimate Partner Violence may constitute Dating Violence or Domestic Violence.

12. Intimidation: The improper use of authority, coercion, or threat for the purpose of compelling or deterring action against that person's will. Intimidation violates this Code when it threatens substantial harm to the other person's membership or status in the community; personal, professional, or academic reputation or opportunities; extracurricular opportunities; or financial security. Intimidation may include, but is not limited to, threatening to accuse someone of illegal activity; threatening to expose a secret that could subject the person to hatred, contempt, or ridicule or otherwise compromise that person's standing in the community; threatening to disseminate sexual images of the other person; or use of a position of authority to take or withhold action against the other person.

13. Invasion of Privacy: The violation of another individual's reasonable expectation of privacy where the circumstances justify that expectation.

14. Indecent Conduct: Exhibition, including by electronic means, of the genitals, anus, or pubic area of a person other than for legitimate academic purposes. Simulation of a sexual act, sex act in public with or without private parts showing, or public masturbation are also included.

15. Retaliation: Adverse action taken by an individual(s) or group or organization against any person or group for participating in any action under this Code including but not limited to: filing a complaint, testifying, assisting, or participating in an investigation or proceeding under this Code, that would discourage a Reasonable Person from engaging in the action under the Code.

16. Sexual Assault: Sexual assault means an offense that meets the definition of rape, fondling, incest, or statutory rape.

a. Rape is the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.

b. Fondling is the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

c. Incest is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

d. Statutory rape is sexual intercourse with a person who is under the statutory age of consent.

e. All forms of sexual assault and sexual contact prohibited by Maine law are also included.

17. "Sexual violence" means conduct that constitutes:

a. Any crimes in Maine listed at

<http://www.mainelegislature.org/legis/statutes/17-A/title17-Ach11sec0.html>

b. Unauthorized dissemination of certain private images pursuant to 17-A M.R.S.A. §511-A;

<http://www.mainelegislature.org/legis/statutes/17-A>

[A/title17-Asec511-A.html](#)

c. Aggravated sex trafficking or sex trafficking pursuant to 17-A M.R.S.A. §852 or 853, respectively;

[https://www.mainelegislature.org/legis/statutes/17-](https://www.mainelegislature.org/legis/statutes/17-A/title17-Asec852.html)

[A/title17-Asec852.html](#); or

d. Sexual harassment as defined in 14 M.R.S.A.

§6000([http://www.mainelegislature.org/legis/statutes/14/](http://www.mainelegislature.org/legis/statutes/14/title14sec6000.html)  
[title14sec6000.html](#)).

18. Sexual Harassment: Includes unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, including sexual assault, sexual violence, and any sexual act prohibited by applicable law. Sexual harassment, including Sexual Assault, can involve persons of the same or opposite sex, or any sex. Consistent with the law, this policy prohibits two types of sexual harassment:

a. Tangible Employment or Educational Action (quid pro quo): This type of sexual harassment occurs when the terms or conditions of employment, educational benefits, academic grades or opportunities, living environment or participation in a University activity are made an explicit or implicit condition of submission to or rejection of unwelcome sexual advances or requests for sexual favors, or such submission or rejection is a factor in decisions affecting an individual's employment, education, living environment, or participation in a University program or activity. Generally, a person who engages in this type of sexual harassment is an agent or employee with some authority conferred by the University.

b. Hostile Environment: Sexual harassment that creates a hostile environment is based on sex and exists when the harassment:

i. Is subjectively and objectively offensive; and

ii. Is so severe or pervasive as to alter the conditions of a person's employment, education or living situation that it creates an abusive working, educational or living environment.

c. A hostile environment can be created by anyone involved in a University program or activity, such as an administrator, faculty or staff member, student, or



University guest. Offensiveness alone is not enough to create a hostile environment. Although repeated incidents increase the likelihood that a hostile environment has been created, a single serious incident, such as a Sexual Assault, can be sufficient. Determining whether conduct creates a hostile environment depends not only on whether the conduct was unwelcome to the person who feels harassed, but also whether a Reasonable Person in a similar situation would have perceived the conduct as objectively offensive. The following factors will also be considered:

- i. The degree to which the conduct affected one or more students' education or individual's employment; and
- ii. The nature, scope, frequency, duration, and location of the incident(s); and
- iii. The identity, number, and relationships of persons involved; and
- iv. The nature of higher education; and
- v. Whether the conduct arose in the context of other discriminatory conduct; and
- vi. Whether the conduct altered the conditions of the Responding Party's educational or work performance and/or UMS programs or activities; and
- vii. Whether the conduct implicates academic freedom or protected speech; and
- viii. Other relevant factors that may arise from consideration of the reported facts and circumstances.

19. Sexual Misconduct: Includes, but is not limited to, prostituting another person, watching or taking pictures, videos, or audio recordings of another person in a state of undress without their Consent or of another person engaging in a sexual act without the Consent of all parties, disseminating, streaming, or posting images, pictures or video of another in a state of undress or of a sexual nature without the person's Consent; letting others watch you have sex without the knowledge and Consent of your sexual partner, removing one's condom during sex without the knowledge and Consent of one's partner(s) (also known as "stealthing"), possession of child sexual abuse

material, voyeurism, and knowingly transmitting an STI or HIV to another person; and any sexual act prohibited by applicable law. Sexual misconduct may constitute Sexual Harassment. All forms of sexual misconduct prohibited by applicable law are also included. (For example, Violation of Privacy, Possession of Sexually Explicit Material, Image-Based Sexual Abuse and Sex Trafficking).

20. Stalking: Engaging in a course of conduct directed at a specific person that would cause a Reasonable Person to:

- a. Fear for the person's safety or the safety of others; or
- b. Suffer substantial emotional distress.
- c. For the purposes of this definition: course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.
- d. A reasonable person is as defined in the Definitions above.
- e. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.
- f. All forms of stalking prohibited by applicable law are also included.

21. Unauthorized Recording: Making or attempting to make audio, video, or photographic recordings of a person who has a reasonable expectation of privacy without that person's consent is prohibited. Disseminating such recordings without express permission is also prohibited.

- a. People have an expectation of privacy in private areas such as locker rooms, residence hall rooms, and restrooms.
- b. In general, the unauthorized recording of course content, classroom sessions, meetings held under this Code, and confidential University meetings is prohibited and considered a violation of this Code.
- c. The unauthorized distribution of approved academic recordings (such as a classroom recording provided as an

accommodation) is also a violation of this Code.

E. Offenses Involving Property

1. Defacement, Destruction, or Misuse of Property: Intentionally, knowingly, or recklessly misusing, tampering with, damaging, destroying, or defacing University Property or the property of others without appropriate authorization.
2. Misuse of University Computer Network or Computers: Misuse of the University computer network or computers including, but not limited to, theft of computer files or data, e-mail, or other electronically stored information, hacking or unauthorized probing, sharing of personal sign on information, spamming, sending out computer viruses, or uploading or downloading copyrighted material for personal use or distribution without appropriate authorization or prohibited by state or federal law, including but not limited to possession or distribution of child sexual abuse material.
3. Theft or Unauthorized Use: Theft, attempted theft, or unauthorized acquisition, removal, distribution, or use of the property of another, including University Property.
4. Trespassing: Trespassing or unauthorized presence on the property of another, including University Property.
5. Motor Vehicle Violations: Violation of applicable University motor vehicle policies and/or state, local, or federal laws and ordinances.

F. General Infractions

1. Aiding Infraction: Knowing assisting in a Code Violation.
2. Attempted Violations: Attempts to violate this Code, including unsuccessful attempts, are prohibited and shall be treated the same as actual/completed violations.
3. Continued Infraction: Continued infractions of this Code.
4. Conviction of a Crime: Conviction of any crime that threatens: (a) any educational process or legitimate function of the University, or (b) the health or safety of any individual.
5. Interference with or Failure to Comply with Public Safety Personnel: Direct interference with or failure to comply with

any public safety personnel in the performance of their official duties.

6. Other Illegal Activity: Violating any applicable law, regulation, or rule (e.g., local, state, or federal).

#### IV. SANCTIONS

If a Responding Party admits to a violation of this Code to the Investigator, Conduct Officer, Student Conduct Hearing Board, or Appeal Panel; or upon determination by the Conduct Officer, Student Conduct Hearing Board, or Appeal Panel that a Responding Party has been found responsible for a violation of this Code, one or more of the following sanctions may be imposed. Sanctions issued under this Code are independent of the awarding of grades (an academic matter), and provisions of this Code cannot be used for changing awarded grades.

Sanctions do not become final until any opportunity to appeal (see Appeals section) has passed. Thus, a Party who chooses to appeal a suspension or dismissal may continue to go to class and engage in customary University activities until an appeal decision is made unless there is an interim suspension already in force or is otherwise stipulated in a Determination Letter.

NOTE: When a sanction is imposed for any alleged VAWA (see Definition Section above), Sexual Harassment, Sexual Violence, or Sexual Misconduct violation of this Code the Reporting Party shall be notified of such. For all other crimes of violence (see Definitions above), the University may disclose any such sanction which impacts the Reporting Party.

- A. Assigned Educational Actions: This may include educational programming, research projects, reflective essays, presentations, health and safety assessments, or other related assignments intended to promote reflection and learning.
- B. Ban/No Trespass Order: A ban or Criminal No Trespass Order prohibits a student from being in a particular location at the University. The ban or No Trespass Order may prohibit the student from being on all University property. Failure to comply with a ban/No Trespass Order will result in additional disciplinary action and violating a No Trespass Order may also result in law enforcement action for Trespassing.

- C. Community Contribution: Service that benefits the public good, people, a community, an organization, or the University.
- D. Deferred Sanction: A specified period of time during which a sanction has been imposed but stayed and certain conditions or expectations are imposed during the time period. Any further violation of this Code during that time may, at a minimum, result in the imposition of the deferred sanction, and any new or additional sanction(s) deemed necessary (e.g., Deferred Disciplinary Suspension effective for 1 year and student must provide proof of completion of 40 hours of community contribution means that the violation would have normally resulted in a sanction of Disciplinary Suspension; however the sanction has been stayed for 1 year on the condition the student complete the community contribution and any new violation during that year or failure to complete the community contribution may minimally result in a period of Disciplinary Suspension taking effect).
- E. Disciplinary Dismissal: Permanent separation (subject to a right of review after five years) from the University.
  - 1. Responding Parties who are dismissed will not be permitted to attend any of the Institutions within the University of Maine System or to attend any University functions. Students who are dismissed are not permitted to be on University property without written permission, in advance, from the Conduct Officer at the specific Institution.
  - 2. The Registrar will place a service indicator on the Student's Academic Record to indicate the Disciplinary Dismissal after any appeal has been decided or the appeal window has expired. Any courses in progress and any future enrolled courses will be dropped. The student will receive a grade of W for all courses in progress if the student is dismissed prior to the regular University deadline to withdraw from a course and receive a grade of W. After the deadline to withdraw and receive a grade of W, the student will receive a grade of F for all courses in progress. A student may withdraw from their courses before the Case is resolved (and receive grades of W if withdrawing before the deadline to withdraw and

receive a grade of W); however the disciplinary process will continue.

3. Responding Parties sanctioned to Disciplinary Dismissal who have been found responsible for a Crime of Violence, including VAWA Offenses (see Definitions above), will have a letter attached to their official transcript describing the Disciplinary Dismissal. The letter will include the violation type(s) and the effective date of the Dismissal. After five (5) years from the date of the Disciplinary Dismissal, the Responding Party may submit a written request to the Coordinator of UMS Student Conduct to have the letter attached to their official transcript removed. The Coordinator of UMS Student Conduct will convene a committee to review the request. This committee may draw on the membership of existing committees and shall include representation from any involved Institution.
  4. Readmission: After five (5) years from the date of the Disciplinary Dismissal, the Responding Party may submit a written request to the Coordinator of UMS Student Conduct to be considered for readmission to attend any of the Institutions. The Coordinator of UMS Student Conduct will convene a committee to review requests for readmission. This committee may draw on the membership of existing committees (such as current members of the SCHB or Appeal Panel); and shall include representation from any involved Institution.
- F. Disciplinary Probation: A specified period of time when any further violation(s), will be viewed as a new violation and as a violation of the Probation, and may result in additional sanctions, up to and including Disciplinary Dismissal from the University.
- G. Disciplinary Suspension: Separation from the University of Maine System for a specific period of time; up to five (5) years, and until any stated condition(s) is/are met.
1. Responding Parties subject to Disciplinary Suspension will not be permitted to attend any of the Institutions within the University of Maine System or to attend any University functions until all conditions of the Disciplinary Suspension are met and the Disciplinary Suspension period has ended. Students on a Disciplinary Suspension are not permitted to

- be on University property without written permission, in advance, from the Conduct Officer at the specific Institution.
2. The Registrar will place a service indicator on the Student's Academic Record to indicate the Disciplinary Suspension after any appeal has been decided or the appeal window has expired. Any courses in progress and any future enrolled courses will be dropped. The student will receive a grade of W for all courses in progress if the student is suspended prior to the regular University deadline to withdraw from a course and receive a grade of W. After the deadline to withdraw and receive a grade of W, the student will receive a grade of F for all courses in progress. A student may withdraw from their courses before the Case is resolved (and receive grades of W if withdrawing before the deadline to withdraw and receive a grade of W); however the disciplinary process will continue.
  3. Responding Parties sanctioned to Disciplinary Suspension who have been found responsible for a Crime of Violence, including VAWA Offenses (see Definitions above), will have a letter attached to their official transcript describing the Disciplinary Suspension for the duration of the suspension and until any additional sanctions imposed are completed. The letter will include the violation type(s) and the effective date of the Suspension. After all conditions of the Disciplinary Suspension are met and the Disciplinary Suspension period has ended, the letter describing the Disciplinary Suspension will no longer be attached to the official transcript. If the end date of the Disciplinary Suspension has passed and the conditions for the Disciplinary Suspension were not fulfilled, the Responding Party may submit a written request to the Coordinator of UMS Student Conduct to have the letter attached to their official transcript removed. The Coordinator of UMS Student Conduct will convene a committee to review the request. This committee may draw on the membership of existing committees; and shall include representation from any involved Institutions.
- H. Housing Contract Probation: Housing Contract Probation may be imposed for a length of time that continues through the execution of a future Housing

Contract and means that, during the specified period of probation, a student found responsible of a new violation of the Code of Student Conduct is also in violation of their Housing Contract Probation and thus may receive additional sanctions up to and including Housing Contract Termination.

- I. **Loss of Recognition (Student Organizations):** Suspension or permanent dismissal of a recognized Student Organization from a particular Institution at the University. A Loss of Recognition for a specified period of time operates as a suspension and bans the Student Organization from participating in all aspects of the University for a specified period of time. During the suspension period, organizations are required to refrain from planning, participating, or otherwise engaging in organizational activities and return any University allocated funds to the originating funder. When the term of the suspension has ended, the Student Organization may apply to regain recognition and may be required to complete a reactivation process at their Institution.
- J. **Loss of or Restriction of Privileges or Activities:** Loss and/or withdrawal of services or the loss of the privilege to participate in an activity or event(s) permanently or suspended for a specified period of time. Examples include but are not limited to restriction from holding positions of leadership in recognized Student Organizations or from being hired or selected by programs/departments to serve in leadership roles; restriction from participation in or attendance at events or activities, including but not limited to campus programs, commencement, sporting events, etc.; restriction from the use of University resources; restriction of entry or access to particular locations, premises, or events; restriction on ability to study abroad, including but not limited to traditional study-abroad programs, restriction of guest privileges with respect to hosting guests on campus, including in a residential facility.
- K. **Official Warning:** Formal acknowledgment of a violation and the expectation that it will not be repeated. An Official Warning



reinforces the University's expectations for the student's behavior. Future violations could result in more significant sanctions.

- L. Reassignment, Removal, or Suspension from University Housing. Removal from a particular hall or all campus housing (Housing Contract Termination and/or Housing Suspension) from one or more Institutions.
- M. Restitution: Reimbursement to the owner (including the University) of the property damaged, stolen, removed, or used without authority up to the replacement value of said property as determined by the Conduct Officer, SCHB, or Appeal Panel.
- N. Other action(s) as the Conduct Officer, SCHB, or Appeal Panel, may reasonably deem appropriate, examples include but are not limited to:
  - 1. Academic degree revocation.
  - 2. Termination from student employment.
  - 3. Monetary fine for recognized Student Organizations only Individual Responsible Parties are not subject to monetary assessments.

**Aggravating Factor(s):** The University may impose a more severe sanction on a Responding Party when the Conduct Officer, SCHB, or Appeal Panel determines that a Responding Party intentionally selected the person or organization against whom the violation was committed, or selected the property damaged or stolen, because of the race, color, religion, sex, sexual orientation, transgender status, gender, gender identity or expression, ethnicity, national origin, citizenship status, familial status, ancestry, age, physical or mental disability, genetic information, veteran or military status of that person, or the persons in the organization or the owner of the property.

## **V. RESOLUTION PROCEDURES**

**NOTE:** Regarding Title IX: For any alleged violation of this Code that is within the jurisdiction of, and involves matters covered by, University of Maine System Board of Trustees Policy Section 402 Sex Discrimination, Sexual Harassment, Sexual Assault, Relationship Violence, Intimate Partner Violence, Stalking and Retaliation and Title IX Sexual

Harassment (Policy 402), Policy 402 and the University of Maine System Procedures for Title IX Sexual Harassment take precedence over the Code and are required to be followed.

Similarly, for an alleged violation of this Code that is within the jurisdiction of, and involves matters as defined and covered by, the University of Maine System Board of Trustees Policy Section 314 Academic Integrity, Policy 314 and the associated Procedures take precedence over the Code.

NOTE: For any allegation of this Code that is a VAWA (see Definitions Section), Sexual Harassment, Sexual Violence, and/or Sexual Misconduct violation, all the rights and responsibilities which this Code provides to a Responding Party must be provided simultaneously to the Reporting Party.

NOTE: For any allegations of this Code that is a Crime of Violence, VAWA, Sexual Harassment, Sexual Violence, and/or Sexual Misconduct violation, any Interim Actions, results of any proceeding; including any appeal, may be disclosed to the Reporting Party regardless of whether the Responding Party was found responsible.

#### **A. Reporting Violations**

1. Alleged violations of this Code may be brought by University employees, students, or members of the general public and will result in the initiation of a Preliminary Inquiry.
2. Reports may be made anonymously; however anonymous reporting may limit the University's ability to investigate and respond.

#### **B. Preliminary Inquiry**

1. When a report is received, a Conduct Officer will conduct a Preliminary Inquiry to determine whether the alleged conduct constitutes a potential violation under the Code and if so, whether a reasonable basis exists to proceed with additional Investigation or to a specific Resolution Format (described more fully below). In making their decision, the Conduct Officer may discuss the report with the Reporting Party, any witnesses, and review any written material.

2. Following the Preliminary Inquiry and a determination that the circumstances alleged warrant further review, and before interviewing or questioning the Responding Party, Notice must be provided by the Conduct Officer to the Responding Party. Notice will include:
  - a. Reporting Party(ies); and
  - b. Date(s) of alleged occurrence(s); and
  - c. Description of the alleged conduct constituting each alleged violation; and
  - d. Maximum possible sanctions which may be imposed; and
  - e. Right to have an Advisor and a Support Person of their choice; and
  - f. Right to review the information to be used in the determination; and
  - g. Any Interim Action(s), if applicable; and
  - h. A copy of, or link to, this Code.
3. The University retains the right to determine when and in what resolution format any alleged Code violations are heard, as well as the timing of the resolution format. This means that the Conduct Officer can schedule additional meetings, change the resolution format, or revisit alleged violations—as needed—if new information or additional violations come to light, even after the initial resolution meeting. If additional evidence or other alleged violations related to the incident are discovered, the University can pursue further charges through additional resolution meetings at their discretion and an updated Notice will be provided.
4. If there is no reasonable cause to conclude that the Code has been violated, the disciplinary process will end and the Responding Party will be notified by the Conduct Officer.

### **C. Interim Actions**

1. A Responding Party may have privileges revoked or restricted pending the outcome of the regular conduct resolution process if, in the judgment of the Conduct Officer, the Responding Party's continued presence or use of privileges at the University is likely to pose:
  - a. A substantial threat to themselves, the Reporting Party, or other people; or

- b. Significant risk of property damage; or
  - c. Significant risk of disruption to or interference with the normal operations of the University.
  - d. In addition, prior to graduating and pending the regular conduct resolution process, the University may withhold an enrolled student's degree for serious alleged misconduct that would typically result in a formal investigation and/or referral to a SCHB and/or if substantiated would typically result in a disciplinary suspension or dismissal.
- 2. Interim Actions, including but not limited to: University Property usage restrictions (bans and/or No Trespass Orders); University account holds; academic degree holds, removal from or reassignment within University housing, modifications to a student's course schedule such as being moved to another section or format (online versus in-person), and an interim suspension of a Responding Party, will be implemented immediately with the goal of mitigating negative impact on the Parties while maintaining the safety of the University community and integrity of the Code process.
- 3. Interim Actions are effective immediately and are in effect through any request for a review of the interim action; unless otherwise noted in the Notice of Interim Action.
- 4. Students who are banned or who receive a No Trespass Order that includes their classroom locations, may work with the associated faculty to explore any options to continue to participate in their class(es) remotely. This does not guarantee that the student will be able to participate remotely in classes in progress and any options and arrangements to do so are at the discretion of their individual faculty and depend in part on the course design, the student's progress and performance in the course before the interim ban or trespass, and when the Interim ban or trespass took effect in the semester.
- 5. An interim suspension, defined as a temporary suspension from the University, University property, and all University events and activities until the regular conduct resolution process is completed may be imposed

on a student when there is reasonable cause to believe that the student poses a continuing threat to the health and safety of the campus community; including when the alleged misconduct is serious, including but not limited to the presence of violence, use of a weapon, or threatening and/or retaliatory behavior; and/or the student's serious misconduct represents a pattern and/or escalation. Interim suspension may be imposed on a Student Organization when the organization engages or threatens to engage in behavior that poses a danger of harm to others; exhibits behavior that renders them unable to effectively function; and/or exhibits behavior(s) that significantly interferes with the educational pursuits and/or living environment of others. A Student Organization on interim suspension must immediately cease all operations and activities unless otherwise authorized in writing by the Chief Student Affairs Officer (CSAO), or their designee, of their institution. Where practical, the Conduct Officer, or other Administrator, issuing the interim suspension, will meet with the Responding Party to review the allegations and the University's resolution process and the basis for considering an interim suspension prior to imposing the interim suspension; as well as the right to appeal the interim suspension and how to do so. Alternatively the Responding Party shall have a prompt opportunity to such a meeting and the Notice of the Interim Suspension will include a time to meet the following business day and if the meeting will be online or in-person.

6. When a student is under an interim suspension, they are not permitted to be on University property, to continue in their courses, or to attend or otherwise participate in any University sponsored events, activities, or recognized groups unless or until the interim suspension is overturned on appeal or the case is resolved and the student is reinstated. An exception may be made to allow for the student to enter University property only for the limited purpose of participating in any in-person meetings in the regular conduct resolution process. The Conduct Officer may require that the student be escorted to and from any such meetings by the Institution's

security or police personnel. The student's faculty will be notified that the student is not permitted to attend or participate in classes until further notice. The final Determination Notice for the Case will include a decision on whether or not the student may work with their faculty to explore any options available to complete courses that were on hold during the interim suspension. A decision to permit the student to attempt to finish courses that were in progress at the time of the interim suspension, does not guarantee the ability to do so and any options and arrangements to do so are at the discretion of their individual faculty and depend in part on the course design, how much class time was missed while on interim suspension, the student's progress and performance in the course before the interim suspension, and when the interim suspension took effect in the semester. While a hold may be placed on the student's account while the resolution process is in progress, the suspension service indicator will not be noted unless and until the Case has been decided and is through any appeal period and the student is suspended. Thus the effective date of the suspension will be the date that the appeal period ended; unless otherwise stated in the final Determination. Because a student is not eligible to participate in their courses while under an interim suspension, this may have an impact on a student's financial aid. Students on an interim suspension are advised to consult with financial aid. A student may withdraw from their courses before the Case is resolved (and receive grades of W if withdrawing before the deadline to withdraw and receive a grade of W); however the disciplinary process will continue.

7. A Responding Party who has been issued an Interim Action may request a review of that decision within five (5) full business days after notification of the Interim Action by contacting the CSAO, or their designee, of their Institution. Requests for an extension to request a review may be approved at the discretion of the CSAO, or their designee, in circumstances where the Party is unable to respond within five (5) business days (e.g., incarceration).

8. The request for review must be in writing and include the rationale for the review and a statement as to why the Interim Action should be overturned or modified.
9. The review of the Interim Action(s) will be conducted by the CSAO, or their designee, at the Responding Party's Institution and a meeting will be scheduled to occur at for a date and time agreeable to the Responding Party within three (3) business days of receipt of the request.
10. The review will include an opportunity for the Responding Party to provide information and for the CSAO or their designee to ask questions and seek clarification of the information used in the initial decision.
11. The Responding Party may be accompanied by an Advisor and/or a Support Person.
12. The Responding Party will not have the right to question witnesses and/or to call their own witnesses for purposes of the Interim Action review.
13. A written determination will be promptly provided to the Responding Party within two (2) business days of the Interim Action review meeting. The decision of the reviewer is final and may not be appealed.
14. Interim Actions are to remain in place until all University hearings and appeals are final or all University appeal periods have ended unless indicated otherwise in writing. The University has the discretion to impose, lift, reassess, and modify interim actions in any Case as circumstances may warrant at any point in the Case, including as new information becomes available.
15. The imposition of an Interim Action does not replace the regular conduct resolution process, which shall proceed separately and without regard for the decisions related to the Interim Action and any appeal of such action and in accordance with the Procedures outlined under Resolution Formats. Every attempt will be made to act expeditiously with the regular conduct resolution procedures.
16. If a student officially withdraws from the University or does not participate in the disciplinary process, the

process will continue and the student may not, at the discretion of the University, be permitted to return to the University or graduate until the student is found not responsible for a violation of this Code or until any imposed sanctions have been satisfied.

#### **D. Formal Investigation**

1. For more serious or complex cases, the Conduct Officer, at their discretion, may initiate a Formal Investigation and serve as the investigator or identify a trained investigator, as soon as reasonably practicable.
2. The University may, where appropriate, temporarily delay the Formal Investigation when criminal charges on the basis of the same conduct are being investigated and/or if a Party is unable to participate due to a documented serious medical condition or other extenuating circumstance. The University may grant or deny any such request to delay the investigation and does not have to wait for the resolution of a criminal case.
3. Prior to commencement of a Formal Investigation, the Conduct Officer will provide written Notice to the Responding Party. Notice will include the following:
  - a. Alleged Code violation(s) and a description of the alleged conduct constituting each alleged violation; and
  - b. Reporting Party(ies); and
  - c. Date(s) of alleged conduct; and
  - d. Right to have an Advisor and a Support Person of their choice; and
  - e. Right to review the information to be used in the Determination; and
  - f. Any Interim Action, if applicable; and
  - g. Maximum possible sanction(s) which may be imposed; and
  - h. The name of the investigator, if identified, and if not, a follow up notification will be provided once identified; and
  - i. A copy of, or link to, this Code.
4. Investigation Process
  - a. Will follow applicable standards for reliability, thoroughness, impartiality, timeliness, and fairness.



- b. Will entail recorded interviews with relevant Parties and witnesses, obtaining and reviewing available evidence, and identifying other sources of reliable and relevant information, as applicable or otherwise deemed necessary.
  - c. Witnesses should have material knowledge of the alleged incident and Character Witnesses will not be utilized. The investigator may include information regarding the credibility of witnesses that have been interviewed.
  - d. Will, when referring the matter to a SCHB, be summarized in a written report by the investigator that identifies the relevant evidence, both inculpatory and exculpatory, gathered through the Formal Investigation.
  - e. Will not make determinations as to whether the Responding Party is responsible for any Code violation(s).
5. While Formal Investigation times may vary, in general, the University strives to complete investigations within sixty-five (65) business days. If a Formal Investigation is going to take longer than sixty-five (65) business days, an update will be provided by the investigator or Conduct Officer to relevant Parties indicating the estimated timeframe for completion.
  6. Upon the conclusion of the Formal Investigation, if the Conduct Officer determines that there is no reasonable cause to conclude that the Code has been violated, the disciplinary process will end and the Party(ies) will be notified; otherwise the appropriate Resolution Format will be identified and the Conduct Officer or the Coordinator of UMS Student Conduct (when the Case is being referred for a SCHB) will provide Notice as outlined under the applicable Resolution Format (described below).

## **E. Resolution Formats**

The resolution format is determined by the Conduct Officer and based on the seriousness of the matter, the impact on the Parties and the community, the severity of likely sanctions, and other relevant circumstances.

1. Agreement-Based Resolution (ABR) is a type of informal

resolution used to resolve some minor violations of the Code; such as the possession of prohibited items on-campus or alleged behavior on-campus that fails to comply with any Institution or Administrative Policy/Guide (such as Housing/Residence Life Policies, Tobacco Free Policy, etc.), that do not warrant additional investigation and where the Responding Party accepts responsibility.

- a. Agreement-Based Resolution is not used when the alleged behavior poses a serious, active, and/or imminent risk to the University community or when the Responding Party has a significant prior conduct history.
- b. When the alleged violation(s) are determined to be suitable for an ABR, a Compliance Letter or request for a meeting will be emailed to the Responding Party's University email account by the Conduct Officer, or their designee, and include the concern(s) observed.
- c. An ABR meeting may be required in situations that warrant a discussion with a University official before resolving. Following the ABR meeting; if applicable, the Responding Party will be sent a Compliance Letter.
- d. Compliance Letters will include actions that must be taken by the Responding Party to resolve the concern(s) and a date they need to be resolved by.
- e. If the concern(s) are addressed by the Responding Party according to the terms in the Compliance Letter, no further action is taken and formal disciplinary proceedings are not initiated.
- f. Disciplinary proceedings may be initiated if the concern(s) are not addressed by the Responding Party in their entirety by the date specified.
- g. ABRs/Compliance Letters are not appealable. The Responding Party has two business days after the day the Compliance Letter is emailed to request a Conduct Resolution Meeting if they disagree with the terms in the Compliance Letter. If a request for a Conduct Resolution Meeting is not made within two (2) full business days, the Compliance Letter is considered final.
- h. ABRs/ Compliance Letters are part of a Responding Party's Disciplinary File and do not result in an official Disciplinary Record; however they are considered in resolving future violations by the Responding Party.

i. Repeat violations generally are not eligible for resolution by ABR and will result in more significant conduct action.

2. Adaptable Conflict Resolution (ACR) is an informal resolution for Cases that are based in conflict amongst individuals or groups which allow the individuals involved in the conflict to participate in the resolution (generally the Reporting Party and the Responding Party). ACR may be considered as follows:

- a. At the discretion of the Conduct Officer, the facts in the case are determined to be suitable for the ACR processes, such as conflict coaching, mediation, facilitated dialogue or restorative practices, and the Parties voluntarily agree to pursue participation and engagement willingly, and freely. The nature of some conduct matters, for instance, those involving VAWA Offenses and Crimes of Violence, may not be suitable for ACR.
- b. The Conduct Officer will make arrangements for the specific ACR process that best fits the circumstances of the matter and may appoint a facilitator.
- c. If and when a mutually satisfactory resolution is reached by the Parties and the Conduct Officer, or their designee, and an ACR agreement is entered into and signed by the Parties, the case is resolved.
- d. ACR Resolutions may not be appealed.
- e. Violations of the ACR Resolution Agreement are a violation of this Code.
- f. If an ACR Resolution process is attempted but a resolution is not achieved, the Conduct Officer, or their designee, and the Parties retain their right to pursue formal resolution through another Resolution Format.
- g. The ACR Agreement will detail if the Agreement will be included in the Disciplinary Record and released accordingly, and/or be considered when resolving any future violations.

3. Conduct Resolution Meeting (CRM) is a scheduled, structured meeting between a Responding Party and a Conduct

Officer to resolve less complex or serious matters (see more information under CRM Procedures).

- a. A CRM may be considered when:
  - i. The alleged violation is less complex or serious,
  - ii. There is sufficient evidence to charge a Code violation that has not been resolved through an Agreement-Based Resolution (ABR) or Adaptable Conflict Resolution (ACR) process; and
  - iii. At least one of the following is true:
    - a. The facts are not in dispute; or
    - b. The facts are less complex or serious; or
    - c. A University employee directly observed the conduct violation.

4. Student Conduct Hearing Board (SCHB) is a fact-finding and decision-making body designated to adjudicate cases involving more serious violations of this Code. The Coordinator of UMS Student Conduct (or designee) is responsible for appointing each SCHB.

- a. A SCHB may be appointed to hear a case when:
  - i. Facts are serious or more complex; or
  - ii. Alleged violation(s) are anticipated to have a higher impact on the Parties and the community. For example, cases which could reasonably result in dismissal or suspension from the University, or loss of recognition of a Student Organization.
  - iii. Alleged violation(s) involve serious physical, emotional, or psychological harm or the threat thereof; or
  - iv. A VAWA Offense, Sexual Harassment, Sexual Violence, Sexual Misconduct, Discrimination or a Crime of Violence is alleged.

## **F. Conduct Resolution Meeting (CRM) Procedures**

1. The Responding Party must receive Notice of the meeting at least two (2) business days before the scheduled CRM.
2. The meeting is typically held within twenty (20) business days of the completion of the preliminary inquiry or formal investigation, if any. If extenuating circumstances exist that

preclude holding the meeting within twenty (20) business days, a scheduling update will be provided.

3. Notice will include the following:

- a. Alleged Code violation(s); and a description of the alleged conduct constituting each alleged violation; and
- b. Reporting Party(ies); and
- c. Date(s) of alleged conduct; and
- d. Maximum possible sanction(s) which may be imposed; and
- e. Right to have an Advisor and a Support Person of their choice; and
- f. Date and time of the scheduled meeting; and
- g. Name(s) of the Conduct Officer(s); and
- h. Right to review the information to be used in the determination; and
- i. A copy of, or link to, this Code.

4. If any Party is not present as scheduled, the Conduct Officer, taking into account the reason for the absence, concerns with health and safety, timeliness of the process, and taking into account the totality of the circumstances, may, within their sole discretion:

- a. Proceed in a normal manner without a Responding Party's attendance; or
- b. Hear only a portion of the testimony and adjourn to a later date; or
- c. Postpone the resolution meeting to a later date.

5. The Reporting Party and the Responding Party may be accompanied by an Advisor and a Support Person of their choice. Questioning of Parties or witnesses by any Advisor or Support Person will not be permitted, and they may only speak with their advisee, unless otherwise permitted by the presiding Conduct Officer.

6. Evidence and Recording

- a. Any relevant information may be considered as evidence;
- b. A Responding Party has the right to remain silent. Conduct Officers will not draw any negative inference from the Responding Party's silence, including the refusal to give information or consent to a search;

- c. Only the University is permitted to video or audio record any proceeding under the Code and the Conduct Officer may record the meeting at their discretion;
- d. A Party shall have the opportunity to present information or evidence to be considered in the resolution of the matter. The Conduct Officer may make a determination as to the relevance of the evidence to the case and allow the submission of such evidence accordingly;
- e. The name(s) of any witnesses requested, written statements, or other information from a Party should be submitted to the Conduct Officer prior to the meeting for inclusion in the materials presented, however the Parties may submit additional names of witnesses, written statements, or other information, at the time of the meeting, at the discretion of the presiding Conduct Officer.

#### 7. CRM Determinations

- a. Using the Preponderance of the Evidence standard, the Conduct Officer will determine if the Responding Party is responsible or not responsible for each alleged violation;
- b. If the Responding Party is found not to have violated this Code, the case will be dismissed. Such dismissal will not affect any appeal rights of any Party as outlined below;
- c. If the Responding Party is found to have violated this Code, the Conduct Officer will impose appropriate sanctions;
- d. Upon completion of the meeting, the Responding Party will receive Notice of the Determination after the meeting within ten (10) business days. Notice will include:
  - i. The finding and if applicable, sanctions, for each alleged violation; and
  - ii. The reasoning that supports the finding and any sanctions; and
  - iii. Any specific right of appeal, if applicable.

## **G. Student Conduct Hearing Board (SCHB) Procedures**

### **1. Student Conduct Board Attendance**

- A. Composition of the Hearing Board:** The Hearing Board is composed of three (3) individuals consisting of:
  - a. A chair, who is either a faculty or staff member; and
  - b. One (1) enrolled student, who is not also a full-time employee of the University; and
  - c. One (1) additional faculty or staff member.
  - d. Alternate Hearing Board member(s) will be appointed as applicable and available.
- B. The Responding Party and the Reporting Party** may be accompanied by an Advisor and a Support Person of their choice. Questioning by any Advisor or Support Person will not be permitted, and they may only speak with their advisee, unless otherwise permitted by the presiding Conduct Officer or Chair of the SCHB.
- C. The Coordinator of UMS Student Conduct** may also be in attendance as an advisor and to assist in the smooth operation of the SCHB and support logistical needs. In some cases, a member of the Office of General Counsel may also be in attendance for all or part of the hearing as an advisor and legal counsel to the SCHB and the Coordinator of UMS Student Conduct. Neither of these attendees shall otherwise participate in the process including in making the Determination.

### **2. Student Conduct Hearing Board Timing and Notice:**

- A.** The Responding Party must receive Notice of the SCHB, within five (5) business days of the

scheduled SCHB. The SCHB is typically held within twenty (20) business days of the completion of the preliminary inquiry or formal investigation, if any. If extenuating circumstances exist that preclude holding the meeting within 20 business days, a scheduling update will be provided. Notice will include the following:

- a. Alleged Code violation(s); and
- b. Reporting Party(ies); and
- c. Date(s) of alleged conduct; and
- d. Maximum possible sanction(s) which may be imposed; and
- e. Names of witnesses requested to appear, if applicable; and
- f. Right to have an Advisor and a Support Person of their choice; and
- g. Right to review the evidence; and
- h. Date and time of the scheduled SCHB; and
- i. Name(s) of the appointed SCHB Chair and other members of the SCHB; and
- j. The opportunity to request for review concerns of bias or conflict of interest of any member of the SCHB and the process for doing so; and
- k. A copy of, or link to, this Code.

B. After proper Notice is provided, if a Responding Party is not present as scheduled, the SCHB Chair, taking into account the reason for the absence, concerns with health and safety, timeliness of the process, and taking into account the totality of the circumstances, may, within their sole discretion:

- a. Proceed in a normal manner without a Responding Party's attendance; or
- b. Hear only a portion of the testimony and adjourn to a later date; or
- c. Postpone the SCHB to a later date.

C. The SCHB Chair may not rely solely on the



absence of the Responding Party in determining the outcome of the matter.

3. SCHB Evidence and Recording:

- A. Any relevant information may be considered as evidence. A determination of the relevance of evidence may be made at the discretion of the SCHB Chair.
- B. Parties and witnesses have the right to participate in the SCHB to the degree that they wish; retaining their right to remain silent. It is understood that if there are also criminal charges stemming from the alleged incident Parties may have been advised not to discuss what took place. A negative inference will not be made based on a participant's silence. However, a determination will be reached following the Hearing based on the information available. When Parties and/or witnesses do not submit to questioning, it can limit the information available and the opportunity to ask clarifying questions and thus limit the information available to the SCHB in making their determination.
- C. Only the University is permitted to video or audio record any proceeding under the Code and the SCHB Chair and/or Coordinator of UMS Student Conduct. UMS Coordinator of Student Conduct will make arrangements for the recording, as needed. All matters under the Code are considered confidential unless otherwise indicated by law, and the record will be the property of the University.
- D. A Party, generally, shall have the opportunity to present information or evidence to be considered in the resolution of the matter and to question any other Party and all witnesses present.

- E. The name(s) of any witnesses requested, written statements, or other information from a Party should be submitted to the Coordinator of UMS Student Conduct at least two (2) business days prior to the SCHB for inclusion in the materials presented to the SCHB. Witness(es) should have material knowledge of the alleged incident and Character Witnesses will not be utilized. The Parties may submit additional names of witnesses, written statements, or other information, at the time of the SCHB, at the discretion of the SCHB Chair.
4. SCHB Live Hearing Rights, Responsibilities and Expectations:
- A. Responsibility for recognizing and permitting persons to speak is the exclusive purview of the SCHB Chair.
  - B. At the discretion of the SCHB Chair, persons disruptive at any stage of the SCHB may be asked to leave.
  - C. The Investigator, the Conduct Officer, and the Parties will be permitted to make an opening statement.
  - D. The available evidence to be considered will be presented, including the results of any Formal Investigative report, and shall be provided by the investigator, if feasible.
  - E. The SCHB may ask questions of the Investigator, the Conduct Officer, any Witnesses, and the Parties.
  - F. The Parties may pose questions to each other and to any witnesses through the SCHB Chair. The Chair will instruct the witness or Party that the question posed has been determined to be relevant and appropriate to answer.
  - G. Questioning by any Advisor or Support Person is not permitted.
  - H. The Investigator, the Conduct Officer, and the Parties will have the opportunity to make a closing statement, which may include

recommendations regarding appropriate sanctions.

- I. Parties may submit a written impact statement prior to the start of the SCHB to the Coordinator of UMS Student Conduct describing the impact of the incident and/or the alleged behavior and a description of what can be done to address any harm and rebuild trust. If the Responding Party admits responsibility for the violations charged, the impact statement(s) may be discussed at the SCHB. If the Responding Party denies responsibility for any of the charges, any impact statements will be reviewed by the SCHB during their closed session deliberations only if a determination of responsibility is made and before sanctions are determined. The impact statements will be made part of the Case File for any appeal.
- J. After the closing statements, the live hearing will end, any recording will be stopped, and the Parties will be dismissed. The SCHB will go into a closed session to make a Determination as set forth below. This closed session is not recorded.

#### 5. SCHB Determinations:

- A. Using the Preponderance of the Evidence standard, the SCHB will determine if the Responding Party is responsible or not responsible for each alleged violation. Determinations are based on a majority vote of the SCHB.
- B. If the Responding Party is found not to have violated this Code, the Case will be dismissed. Such dismissal will not affect any appeal rights of any Party as set forth below.
- C. If the Responding Party is found to have violated this Code, the SCHB will consider any submitted impact statements from the Parties and then will determine appropriate sanctions.

- D. Upon completion of the deliberative process, the Responding Party will receive Notice of the Determination. Notice will include:
- a. The finding for each alleged violation; and
  - b. The rationale and information that support the finding; and
  - c. Any sanctions imposed; and
  - d. The rationale and information that support the sanctions; and
  - e. Any specific right of appeal.

## **H. Appeals**

NOTE: Absent an Interim Action or substantial threat to health, safety, or well-being of the University or any individual within the University community, sanctions take effect only after all University appeals are final or all appeal periods have ended. Applicable threat assessment procedures will be used as appropriate. Interim Actions remain in place until all appeals are final or the appeal period has ended unless indicated otherwise in writing by the Conduct Officer/Chair of the SCHB. If a student has been suspended or dismissed for a Crime of Violence or VAWA offense, a hold will be placed on the student's account pending and through any appeal so they may not receive a transcript or confirm a degree until the appeal process is completed.

1. Right of Appeal: The Reporting Party and Responding Party may appeal any finding(s) or sanction(s) to an Appeal Panel when the case involves an alleged VAWA, Sexual Harassment, Sexual Violence, and/or a Sexual Misconduct Violation. Additionally, in all other cases, the Responding Party may appeal findings and sanctions (the Determination) to an Appeal Panel if the sanction imposed is degree revocation, Disciplinary Dismissal, Disciplinary Suspension, removal or suspension from University Housing, or loss of recognition of a Student Organization. In all other cases, the parties do not have a right to appeal the Determination.

2. Grounds for Appeal: The Appeal Panel is not intended to be a full rehearing of the allegations and will be limited to the following grounds:
  - a. An alleged substantive error, including a procedural error or omission that substantially impacted the investigation and/or the outcome of the Conduct Resolution Meeting (CRM), , or Student Conduct Hearing Board (SCHB), (for example, bias or failure to follow applicable procedures); or
  - b. To consider new evidence, not reasonably available during the investigation, CRM, or SCHB that could impact the findings or sanctions (Determination). A summary of this new evidence and its potential impact must be included in the request for appeal; or
  - c. The sanction imposed is disproportionate to the severity of the violation, considering the totality of circumstances.
3. Submitting an Appeal: Appeals must be submitted in writing to the Coordinator of UMS Student Conduct within five (5) full business days after the appealing Party has been emailed the written Determination. Appeals must clearly state the issues to be reviewed based on at least one of the grounds listed above; and be no longer than ten (10) pages in length, plus attachments, unless the appealing Party timely requests and is granted additional pages.

Any submitted appeal must be created by the student. The student is permitted to have the assistance of their Advisor in writing their appeal; however the appeal must be signed and be submitted directly from the student. Any substantive portion of the appeal (such as content of the argument supporting the appeal) that is generated by a third party service, site, or provider (such as AI-generated content) must be attributed to the source(s). Attribution is required when AI or third-party services generate the ideas, arguments, research findings, or written content that forms the substance of your appeal. Technical assistance like formatting,

grammar checking, or document organization does not need to be attributed.

Absent extenuating circumstances, the findings and sanctions (Determination) will stand if the request for appeal is not submitted within five (5) business days or is not based on permissible grounds. Extenuating circumstances are at the discretion of the UMS Coordinator of Student Conduct in consultation with the Office of General Counsel.

4. Appeals by Multiple Parties: Appeal requests will be shared with all Parties. Such other Parties may file a response with the Appeal Panel within five (5) full business days; and any response will be shared with all Parties.
5. Determination of Grounds for Appeal: The determination of whether the grounds for appeal are met is the responsibility of the Chair of the Appeal Panel. If the Chair of the Appeal Panel determines that none of the grounds for appeal are met, the Chair will notify the Parties within ten (10) full business days of receiving the appeal. The Chair's decision is final.
6. Composition of the Appeal Panel:
  - a. The Coordinator of UMS Student Conduct is responsible for appointing the Appeal Panel.
  - b. The Appeal Panel is composed of three (3) officials, not previously directly involved in any way with the matter:
    - i. A chair who is either a faculty or staff member; and
    - ii. One (1) enrolled student, who is not also a full-time employee of the University; and
    - iii. One (1) additional faculty or staff member; and
    - iv. Alternate official(s), as applicable and available.
7. Function of the Appeal Panel:
  - a. Review the Case File including but not limited to: the investigative report; any Hearing files and recordings; and
  - b. Review any new information provided; and
  - c. Ask written clarifying questions as applicable, including but not limited to, as appropriate, asking questions of:

- the investigator; Conduct Officer; SCHB; individuals who presented information to the SCHB; and other individuals who have information relevant to the process; and
  - d. Make a Determination based on the information reviewed. Determinations are based on majority vote of the Appeal Panel.
8. Appeal Panel Notice and Further Information Gathering:
- a. If a request for an appeal is submitted consistent with the parameters identified above, the Coordinator of UMS Student Conduct will provide written Notice to the appealing Parties within ten (10) full business days from the submitted request. Notice will include:
    - i. The issues to be reviewed and the grounds for appeal; and
    - ii. Right to review the information that will be used by the Appeal Panel; and
    - iii. Date and time of the initial Appeal Panel meeting; and
    - iv. Names of the Appeal Panel members.
  - b. The Appeal Panel will have an initial meeting not later than ten (10) business days after issuance of the Notice to the appealing Parties that an Appeal Panel has been appointed. If extenuating circumstances exist that preclude the initial Appeal Panel meeting from occurring within ten (10) business days, an update will be provided indicating the estimated timeframe for the meeting.
  - c. The Parties will not attend Appeal Panel meetings. All Appeal Panel meetings will be closed sessions and will not be recorded.
  - d. Any questions by the Appeal Panel will be asked of anyone involved or with information in writing.
9. Appeal Panel Determinations:
- a. The Appeal Panel may make the following determinations:
    - i. Uphold or change the findings of the Conduct Officer or Hearing Board; or
    - ii. Uphold or change the sanctions of the Conduct Officer or Hearing Board; or

- iii. Remand for a new or additional Formal Investigation with a new or same investigator; or
  - iv. Remand to the same or a different Conduct Officer or SCHB for a new hearing.
- b. The Appeal Panel decision, including a decision to remand to the same or a different Conduct Officer or SCHB is final (as to the remand decision only and not to the substance of the underlying claim) and is not subject to appeal. The decision in a remanded case, cannot be appealed.
- c. The Appeal Panel will provide Notice to the Appealing Parties of the Determination(s) within a timely manner. Notice will include:
  - i. The decision; and
  - ii. The rationale and information that support the decision; and
  - iii. Any modifications to the sanctions, including the rationale and information that support the modifications, if applicable.

## **VI. RELEASE OF RECORDS**

- A. Disciplinary Records (see Definitions Section) are Educational Records as defined by the Family Educational Rights and Privacy Act (FERPA) <https://studentprivacy.ed.gov/faq/what-education-record>.
- B. The existence of a Disciplinary Record and the contents of such Record are kept and maintained by the Lead Conduct Officer at each UMS institution; or their designee, in accordance with the federal Family Educational Rights and Privacy Act (FERPA) and the University's Record Management Practices (APL IV-D).
- C. The Disciplinary Record is confidential and is only shared internally with University officials in instances where the student has granted permission to release the Record, or there is a legitimate educational interest as defined by FERPA. The Disciplinary Record will only be released external to the University if the student has granted permission, if the disclosure is permissible under FERPA, or if the University is required to do so by law.
- D. The Lead Conduct Officer at each Institution, or their designee, shall retain all Disciplinary Records for seven full calendar years



beyond the academic year in which the most recent conduct allegation occurred.

- E. Disciplinary Records for individual students are subject to release based on the severity of the sanction. For students whose most significant sanction is Disciplinary Probation or lower; including, but not limited to those resulting in Housing Contract Removal/Termination and/or Housing Suspension the Record will be retained for 7 years, but only disclosed (in compliance with FERPA) for three years from the date the sanction expired or from the date the student graduates; whichever comes first. The Disciplinary Records of students who have been removed from an academic program or college, and those for students who have been sanctioned to Disciplinary Suspension or Dismissal, or who have failed to successfully complete all of their disciplinary sanctions, shall be retained and released indefinitely. All other Records will be subject to release for 7 years from the date the Case was resolved or the date of graduation; whichever comes first.
- F. Records of Student Organization misconduct are not subject to FERPA and those that result in Probation or above will be retained indefinitely and released as the University deems appropriate.

## **VII. TRAINING**

- A. All persons responsible for the oversight or administration of the Student Conduct Code shall receive at minimum annual training relevant to their role and responsibility.
- B. The Conduct Officers and the Coordinator of UMS Student Conduct will identify and invite all persons representing the University community on the SCBH, to receive the required annual training.
- C. Annual training will include understanding the processes and procedures that protect the safety of individuals involved, and promote accountability. In addition, training will be provided on how to conduct an investigation, and specific training on adjudicating VAWA, Sexual Harassment, Sexual Violence, Sexual Misconduct, Discrimination, and Harassment allegations.

## **VIII. WAIVER OF RIGHTS**

A Party may voluntarily waive any rights related to the investigation or conduct resolution process, including procedural protections, timelines, or notice requirements, provided that such waiver is made knowingly, in writing, and with full understanding of the rights being relinquished. For waivers that may affect other Parties to the case, all Parties must voluntarily agree to the same.

## **IX. STUDENT CONDUCT CODE INTERPRETATION AND REVISIONS**

Under the authority of the Chancellor, any question of interpretation or application of the Student Conduct Code will be referred to the Coordinator of UMS Student Conduct, in consultation with the UMS Office of General Counsel for final determination.

### **Student Conduct Code Review**

The Student Conduct Code shall be reviewed a minimum of every two years under the direction of the Coordinator of UMS Student Conduct, and in consultation with the University Conduct Officers, Office of the General Counsel, and other stakeholders, as appropriate. The University Conduct Officers will be responsible for obtaining feedback regarding the Student Conduct Code from appropriate stakeholders on each of their Institutions, including students, faculty, and staff. The Coordinator of UMS Student Conduct will inform the Chair of the Board of Trustees Academic and Student Affairs Committee of any recommendations for major changes. Final approval of the Student Conduct Code will be the responsibility of the Chancellor, in consultation with the Office of the General Counsel.

**Effective Date: August 1, 2025**



