

# UMBC

## CODE OF STUDENT CONDUCT

### **Article I. Student Conduct and Judicial Affairs Mission**

The University of Maryland Baltimore County is strongly committed to the development of the student and promotion of personal integrity and self-responsibility. Students enrolling at UMBC become citizens of the community and are entitled to enjoy the privileges and required to assume the responsibilities associated with this affiliation. UMBC affirms its commitment to achieving diversity in higher education and continues to improve the quality and increase the diversity of its student body. The University consistently strives to create a community that welcomes and celebrates differences. Since the rights of all students are protected, and an atmosphere conducive to intellectual development, personal growth, and community association are to be promoted, standards and guidelines on student behavior are necessary. This Code of Student Conduct is intended to outline certain responsibilities and expectations of UMBC students, assist the students to understand their role in the academic community, and to establish procedures that ensure due process in the adjudication of complaints concerning students.

The Office of Student Judicial Programs supports the University's dedication to student success and its educational purposes and goals by publishing, enforcing, drafting and interpreting standards of student behavior and related policies and procedures; facilitates student and community developmental and ethical growth opportunities promoting personal integrity, civility, self-responsibility, citizenship and appreciation for diversity; works to maintain a safe and productive environment supporting the University's educational purpose and the students' educational goals; and promotes the privileges and responsibilities associated with a student's affiliation with the University.

### **Article II. Purpose, General Provisions & Philosophy**

- A. The University of Maryland, Baltimore County (UMBC) can make its maximum contribution as an institution of higher learning only if high standards of courtesy and integrity are maintained by every member of the University community. It is incumbent upon students to conduct themselves within the framework of reasonable rules and regulations designed to prevent interference with, or obstruction of, the orderly operation of the University. Misconduct which violates the basic standards of behavior necessary for the maintenance of an educational environment or which adversely affects the ability of others to pursue their educational goals may ultimately call into question the student's membership in the University community.
- B. The primary purpose of this Code of Student Conduct is to serve the interests of both the UMBC community and the individual student by: (1) prescribing the standards of conduct expected of students; (2) outlining actions which can be taken when misconduct occurs; (3) establishing procedures which ensure due process in the adjudication of complaints concerning students; and (4) imposing sanctions in the University setting to protect, deter, and educate.
- C. The Student Judicial Programs Office promotes the concepts of fairness and due process in Student Conduct Review settings throughout the University community, while striking a balance between community standards and individual behavior through the educational development of students.
- D. All students are subject to the Code of Student Conduct. Individuals who are not currently enrolled at the University remain subject to the Student Conduct Review process for misconduct that occurred during any period of enrollment, for misconduct that occurred during a period between any consecutive semesters, terms, or summer sessions for which they are enrolled, or for misconduct

that occurred during the time after admission to the University but prior to first enrollment, and for statements, acts or omissions related to application for enrollment.

- E. UMBC is strongly committed to an academic environment that supports the humanity and dignity of all persons. As such, any behavior which threatens that principle, shall be subject to serious sanctions. In this regard, any physical or sexual assault or other act which threatens the safety or well being of other persons shall be viewed as extremely serious and subject to the most serious sanctions, including suspension or dismissal from the University. Weapons are prohibited from being kept or carried on campus other than with the University Police in accordance with their procedures.
- F. Any violation or attempted violation of University rules and regulations which is motivated all or in part on the basis of racial identity, religion or beliefs, disability, national origin, sex, or sexual orientation shall subject a student to a more serious sanction than would ordinarily accompany that violation or attempted violation.
- G. UMBC is also strongly committed to an academic environment that supports the health, safety, and well being of all persons. Any behavior that violates this principle shall be subject to severe sanctions. To that end, the possession, use, or distribution of controlled dangerous substances shall be viewed as warranting the most serious sanctions including suspension or dismissal from the University. Alcohol possession, use, or distribution also warrants serious sanctions which may or may not result in suspension or dismissal in light consideration for complicating and/or mitigating circumstances. Parental notification may occur in appropriate cases where a student engages in a drug or alcohol violation.
- H. The University is committed to an academic and employment environment free from unwelcome sexual advances, requests for sexual favors, and other forms of sexual harassment. Sexual harassment is a form of sex discrimination and is illegal. Harassment and retaliation against persons filing discrimination charges is illegal. Violations of this kind shall subject a student to the most serious sanctions, which may include suspension or dismissal from the University.
- I. All proceedings of the University's Student Conduct Review process are confidential and classified as disciplinary records. In accordance with the Family Educational Rights and Privacy Act (FERPA), the University's Policy on the Disclosure of Student Records states that students' judicial and disciplinary records are educational documents. The Student Right-to-Know and Campus Security Act modified FERPA to allow institutions to inform victims of the outcome of student judicial proceedings regarding an alleged crime of violence as defined by the U.S. Code. The Student Right-to-Know and Campus Security Act was amended by the Higher Education Amendments of 1992 (sometimes known as the Campus Sexual Assault Victims Bill of Rights Act) requiring the University to inform the victim of an alleged perpetrator of a crime of violence or a non-forcible sex offense of the final results of student disciplinary proceedings against the Charged Student. Although all judicial proceedings are considered confidential, FERPA permits and, in some cases, requires the release of these records, with and without notice to the student. Some of the exceptional circumstances recognized in FERPA include, but are not limited to, release to University personnel with a legitimate educational interest, release in response to a subpoena, release to parents of income tax dependent students, and permissible disclosure to parents or legal guardians of a student who is less than 21 years of age and is responsible for violating campus rules regarding the student's violation of any federal, state, or local law, or of any UMBC rule or policy governing the use or possession of alcohol or a controlled substance. If a student is responsible for violating UMBC rules or policies related to an allegation that the student perpetrated a crime of violence or a non-forcible sex offense, the University may release disciplinary records of that student relating to that violation.
- J. UMBC is also strongly committed to a community environment that supports the health, safety, and well being of all persons and property. To that end, serious misconduct that is related to institution-

sponsored events, including athletic events (“event-related misconduct”) is unacceptable. “Event-related misconduct” is rioting, assault, theft, vandalism, fire-setting, or other misconduct related to an institution-sponsored event, occurring on- or off-campus, that results in harm to persons or property or otherwise poses a threat to the stability of the campus or campus community. Student Conduct Review for event-related misconduct may take place regardless of the existence, status, or outcome of any criminal charges in a court of law related to the misconduct. Violations of this kind shall subject a student to the most serious sanctions, which may include suspension or dismissal from the University. Any decision to impose a sanction less than suspension or dismissal, for event-related misconduct must be supported by written findings signed by the Vice President for Student Affairs. A student suspended for violations that include “event-related misconduct” shall not be admitted to any other institution in the University System of Maryland during the term of the suspension. A student dismissed for violations that include “event-related misconduct” shall not be admitted to any other institution in the University System of Maryland for at least one year from the effective date of the dismissal.

### **Article III. Definitions**

- A. The term "Vice President for Student Affairs" means the person delegated by the University President to be responsible for the overall operation of the Student Conduct Review System. The Vice President for Student Affairs may designate a delegate or representative to act in his/her behalf.
- B. The term "day" means a full University business day of the month.
- C. "Charging Party" means the person who has referred, for adjudication, alleged Code of Student Conduct rule violations, or the person appointed by the Director of Student Judicial Programs to act as Charging Party.
- D. "Charged Student" means the student alleged to have violated the Code of Student Conduct rule(s) or regulation(s).
- E. The term "student" includes all persons taking courses at UMBC, both full-time and part-time, pursuing undergraduate, graduate, or professional studies who are:
  - 1. currently enrolled;
  - 2. accepted for admission or readmission;
  - 3. enrolled in a prior semester or summer session and who are eligible to continue enrollment in the semester or summer session that immediately follows;
  - 4. not officially enrolled for a particular term but who have a continuing relationship with UMBC; or
  - 5. suspended or excluded from enrollment for prohibited conduct that occurred while the individual was a student at the University.
- F. The term "institution" or "University" means the University of Maryland, Baltimore County (a/k/a "UMBC").
- G. The term "University President" means the President of the University of Maryland, Baltimore County.
- H. The term "University property" includes all land, buildings, facilities, and other property in the possession of or owned, leased, operated, controlled or supervised by the University.
- I. The term "weapon" includes any potentially dangerous object or substance including, but not limited to, any firearm (including any weapon or instrument from which a shot, projectile, or other object may be discharged by force, whether operable or inoperable, loaded or unloaded); any deadly weapon, defined as any instrument, item, or material readily capable of causing death or serious physical injury; any BB gun, pellet gun, air rifle, paint gun, sword (including decorative), or other martial arts weapon; any bomb (or other explosive material), knife (other than an ordinary pocketknife carried in a closed position, with a blade of three inches or less), switchblade, billy club, blackjack, bludgeon, metal knuckles, slingshot, razor, bicycle chain, or ice pick; or any explosive chemical or device including a substance or a combination of substances possessed or prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration, or detonation, including fireworks and illegal or potentially dangerous chemicals

- J. The term "University official" includes any person employed by the University, performing assigned administrative or professional responsibilities.
- K. The term "guest" means any person visiting the University, or a building or area therein, for any period of time.
- L. The term "distribution" means sale or exchange for personal benefit or dispensing to anyone without tangible personal benefit.
- M. The term "member of the University community" includes any person who is a student, faculty member, University official or any other person employed by the University. The Director of Student Judicial Programs shall determine a person's status in a particular situation.
- N. The term "Hearing Board" means any decision-making Board consisting of at least two (2) students and one (1) faculty or staff member, selected by the Director of Student Judicial Programs to resolve allegations of Code of Student Conduct violations.
- O. The term "Director" or "Director of Student Judicial Programs" means the University official, or designee, authorized by the Vice President for Student Affairs to directly oversee the day to day administration of the Code of Student Conduct, to advise the Hearing Board, and to impose sanctions upon a Charged Student found, or admitted, to have violated the Code of Student Conduct. The Director may act as the Conduct Officer or may designate another University staff person to do so.
- P. The term "Conduct Officer" means a University Official who is designated by the Director to oversee Pre-Hearing Conferences and granted the authority to impose sanctions upon a Charged Student found, or admitted, to have violated the Code of Student Conduct.
- Q. The term "Appellate Board" means any decision-making Board, consisting of at least two (2) students and one (1) faculty or staff member, authorized by the Vice President for Student Affairs to hear appeals of decisions of responsibility or sanction.
- R. The term "shall" or "will" is used in the imperative sense.
- S. The term "may" is used in the permissive sense.
- T. The terms "policy", "rule", and "regulation" are defined as the written regulations of the University as found in, but not limited to, the Code of Student Conduct, the Residential Life *Guide to Community Living*, the Student Handbook, the Policy for Responsible Computing, and the Graduate and Undergraduate Catalogs.
- U. The term "Victim" means a victim of an alleged perpetrator of a crime of violence as defined within FERPA, or a victim of an alleged non-forcible sex offense. FERPA (the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g; 34 CFR Part 99) defines "alleged perpetrator of a crime of violence" as a student who is alleged to have committed acts that would, if proven, constitute any of the following offenses or attempts to commit the following offenses:
  1. arson,
  2. assault offenses,
  3. burglary
  4. criminal homicide – manslaughter by negligence,
  5. criminal homicide – murder and non-negligent manslaughter,
  6. destruction/damage/vandalism of property,
  7. kidnapping/abduction,
  8. robbery, or
  9. forcible sex offenses.
- V. The term "University Activity" includes any activities sponsored by the University or students, or any activity on University property, of an academic or non-academic nature.
- W. The term "Code" means the Code of Student Conduct.
- X. The term "Rules and Regulations" refers to Article V, Section B of the Code of Student Conduct.
- Y. The term "date of issuance" means the day of delivery of any written form of the decision.
- Z. The term "indecent exposure" includes, with limitation, conduct such as mooning, streaking, or public urination.
- AA. The term "stalking" means any course of conduct directed at a particular individual that would cause a reasonable person to fear for their immediate health or safety or that of others. Stalking conduct includes, but is not limited to repeatedly following, pursuing, waiting, or showing up

uninvited at a workplace, residence, classroom, or other locations frequented by a victim; unwanted surveillance and other types of observation, whether by physical proximity or electronic means; repetitive and unwanted communication such as by telephone, voice mail, text, or instant messages, social networking site postings, written letters, or gifts; and unwanted gathering of information about a victim from classmates, friends, co-workers, or family.

- BB. The term “effective consent,” when applied to any behavior which jeopardizes the health or safety of another, means words or actions that would demonstrate to a reasonable person a functioning, knowing and voluntary agreement to engage in mutually understood activity. Effective consent cannot be gained by force, by ignoring or acting in spite of the objections of another, or by taking advantage of the incapacitation of another, where the actor knows or reasonably should have known of such incapacitation. Where alcohol or other drugs are involved, incapacitation is defined with respect to how the substance consumed impacts a person's decision-making capacity, awareness of consequences, and ability to make fully informed judgments. Silence or passivity do not equate to consent. A mentally incapacitated or physically helpless person cannot give effective consent. The existence of a previous relationship, or consent granted for a previous activity, does not imply consent to future acts. Consent may be withdrawn at any time.
- CC. The term “sexual exploitation” means taking sexual advantage of another person without effective consent, and includes, without limitation, causing or attempting to cause the incapacitation of another person in order to gain sexual advantage; causing the prostitution of another person; electronically recording, photographing, or transmitting intimate or sexual utterances, sounds or images of another person when there is a reasonable expectation of privacy; allowing third parties to observe sexual acts without the effective consent of all the involved parties; engaging in voyeurism; and/or knowingly communicating a sexually transmitted infection, including HIV, to another person.

#### **Article IV. Authority**

- A. The Director of Student Judicial Programs shall determine the composition of a Hearing Board.
- B. The Vice President for Student Affairs shall determine the composition of the University Appellate Board.
- C. The Director of Student Judicial Programs for the administration of the Student Conduct Review Program may develop policies, and procedural rules for the hearings, which are not inconsistent with provisions of the Code of Student Conduct.
- D. Decisions made by a Hearing Board and/or the Conduct Officer shall be final, pending the stated appeal process.
- E. A Hearing Board may be designated as arbiter of disputes within the student community in cases that do not involve a violation of the Code of Student Conduct. All parties must agree to arbitration, and to be bound by the decision with no right of appeal.
- F. The University has the inherent authority and right to take necessary and appropriate action to protect the safety and well being of the University community, and to protect the continuing operation of the University.

#### **Article V. Proscribed Conduct**

##### **A. Student Responsibility to Know Rules and Regulations**

Each student is responsible for notice of and compliance with the provisions of the University's Rules and Regulations. All students are expected and required: (a) to obey the law, (b) to comply with University Rules and Regulations and with directives issued by a University official in the course of his or her authorized duties, and (c) to observe standards of conduct appropriate for an academic institution. Each student is charged with the obligation to conduct himself/herself in a manner compatible with the University's function as an educational institution.

## B. Rules and Regulations

Any student found to have violated the following rules and regulations is subject to the sanctions outlined in Section C, below:

### 1. Violations of Fire and Safety Regulations.

This rule prohibits, but is not limited to, the following:

- a) failure to comply with posted evacuation procedures;
- b) tampering with fire protection apparatus;
- c) possession, use, or threatened use of fireworks, bombs, or explosive devices of any character;
- d) use of open flame devices or combustible materials, including chemicals, which endanger the safety or well being of the University community;
- e) unauthorized use of, tampering with, or misuse of electrical equipment, burglar alarms, fire exits, or giving false alarms or false reports of fire or emergency; or,
- f) Fire-setting.

### 2. Behavior Which Jeopardizes the Health or Safety of Self or Others.

This rule prohibits, but is not limited to, the following:

- a) unauthorized/illegal possession, storage, or use of weapons or firearms (Possession of a license to possess or use a weapon shall not constitute a defense of any violation of this Rule, as the University reserves the right to restrict even licensed possession or licensed behavior when such restrictions adds to the protection of person or property of the University.);
- b) acts, or threats, of physical assault or abuse;
- c) sexual assault or rape (e.g., date, acquaintance or stranger);
- d) violence;
- e) failure to cease repetitive unwanted behavior directed toward a particular individual or individuals;
- f) stalking;
- g) sexual harassment;
- h) sexual exploitation or misconduct
- i) suicide attempts;
- j) disorderly conduct;
- k) hazing;
- l) forcible detention;
- m) threatening behavior;
- n) indecent exposure;
- o) alcohol poisoning;
- p) drug overdose; or,
- q) rioting.

### 3. Misconduct Involving Alcohol.

The University prohibits the unauthorized possession, use, or distribution of alcoholic beverages. The University enforces all state and federal laws or regulations that regulate and control the sale or use of alcohol. Consistent with state laws, University policy, limits on-campus use of alcoholic beverages to specified areas and to persons of legal age (21 years old in the State of Maryland). This rule prohibits, but is not limited to, the following:

- a) unauthorized or illegal use of any alcoholic beverages;
- b) aiding or abetting an underage person in the purchase of alcoholic beverages;
- c) disorderly conduct due all or in part to being under the influence of alcohol;
- d) the possession, consumption, or distribution of alcohol in any University facility or event, except as provided by the institution, in accordance with state and local law;
- e) misrepresentation of age to obtain alcoholic beverages;
- f) providing alcohol to underage persons;

- g) possession of an open alcohol container in a public area;
- h) consumption of alcohol in a public area; or
- i) possession, use, or distribution of alcohol by underage persons.

4. Misconduct Involving Illegal Drugs or Controlled Substances.

The University prohibits the possession, use, sale or distribution of illegal drugs or controlled substances and enforces all state and federal laws that prohibit the possession or sale of illegal drugs or drug paraphernalia. This rule prohibits, but is not limited to, the following:

- a) possession, use, distribution, sale, manufacture, or processing of illegal or unprescribed narcotics, illegal drugs, hallucinogens, and controlled dangerous substances;
- b) possession, use, or sale of drug paraphernalia;
- c) possession, use, sale, or distribution of legal drugs which were not prescribed to the recipient or person in possession;
- d) misuse of prescribed drugs or over the counter drugs; or
- e) failure to take prescribed drugs or over the counter drugs as agreed between a University Official and the student.

5. Theft or Property Damage.

Intentional or negligent acts or attempted acts resulting in theft or property damage are prohibited. This includes, but is not limited to:

- a) theft, vandalism, destruction, damage, abuse, or fraudulent use of University or private property, including University property, personal or University credit cards, and University funds; or
- b) theft, destruction, damage, abuse, or fraudulent use of University services, including attendance in classes in which the student is not enrolled, computer, telephone, and mail services.

6. Unauthorized Entry or Presence in or on University Property.

This rule prohibits, but is not limited to, the following:

- a) failure or refusal to leave University grounds, or a specific portion thereof, or a University facility when requested by an authorized University official; or
- b) improper or unauthorized entry into a University building, facility, or campus residence.

7. Acts of Dishonesty or Falsifying University Records.

This rule prohibits, but is not limited to, the following:

- a) falsifying, forging, altering, causing the alteration of, or furnishing false information (written or oral) on, or relative to, University records, or to University officials;
- b) falsifying, forging, altering, causing the alteration of, or furnishing false information regarding identification cards, absence excuses, parking hangers, transcripts, grade reports, test papers, answer sheets, examinations, admissions or financial aid applications, registration materials, and computer records;
- c) unauthorized possession or use of University records, documents, instruments, or property (e.g., identification card, key, meal card);
- d) failure to provide student identification, or other identification, to University officials upon request;
- e) providing false or misleading information on police reports, Residential Life Information Forms, or during testimony before the Parking Appeals Board; or
- f) furnishing false information to any University official or office,
- g) misrepresenting ownership of University or private property (e.g. selling textbooks as an authorized owner/seller).

8. Failure to Meet Financial Obligations to the University.

This rule prohibits, but is not limited to, the following:

- a) the failure to pay delinquent accounts, including parking violation fees, after the University has notified the student of the debt; or
  - b) the use of worthless checks, money orders, or credit cards in payment to the University for tuition, room and board, fees, library fines, traffic penalties, etc.
9. Disruption of Any University Activity.  
This rule prohibits, but is not limited to, the following:
- a) acts inhibiting, interfering with, obstructing, or damaging either (i) an academic activity (e.g., teaching, research, or University Administration) or organized student activity; or (ii) a campus resource relating to academic materials (e.g., library books, audiovisual materials and tapes);
  - b) any intentional act substantially interfering with the freedom of expression of others on University property or at University sponsored activities; or
  - c) activity which disrupts or interferes with normal University functions or operations.
10. Violations of Residential Life Policies, Rules and Regulations.  
This rule prohibits the violation of Residential Life policies, rules, or regulations, as provided in the *Guide to Community Living* and the Residential Life license.
11. Gambling.  
This rule prohibits, but is not limited to the following:
- a) on campus gambling, including raffles, except when appropriate Baltimore County permits are obtained and filed in advance with the appropriate UMBC office;
  - b) pools and other bets on sporting events.
12. Violations of Federal, State, and Local Laws.  
Students are responsible for knowing and observing all local, state and federal laws. Action by law enforcement agencies, or lack of such action, will not preclude action by the University as well, in the event the misconduct in question also constitutes a violation of this Code.
13. Violation of Published University Rules, Regulations or Policies.  
Students are responsible for knowing and observing all published UMBC rules, regulations and policies.
14. Improper Uses of Computers and Technology.  
This rule prohibits the breach of computer security, harmful or unauthorized access, unauthorized copying or distribution of programs and/or data, unauthorized transfer of programs and/or data access denial, or the attempt to commit such acts. See the UMBC Policy for Responsible Computing
15. Abuse of the Student Conduct Review System.  
This rule prohibits, but is not limited to, the following:
- a) failure to obey a written Notice to Appear issued by the Director;
  - b) falsification, distortion, or misrepresentation of information before the Conduct Officer, Director, a Hearing Board or Appellate Board;
  - c) disruption or interference with the orderly conduct of a Student Conduct Review;
  - d) referral of an allegation of misconduct known to be false;
  - e) attempting to discourage or influence an individual's proper participation in, or use of, the Student Conduct Review System;
  - f) attempting to influence the impartiality of a member of a Hearing Board or Appellate Board prior to, and/or during the course of, the Student Conduct Review;
  - g) harassment (verbal or physical) and/or intimidation of a member of a Hearing Board or Appellate Board, the Charging Party, a witness or victim, prior to, during the course of, or after the Student Conduct Review;
  - h) failure to comply with the sanction(s) imposed under the Code of Student Conduct; or

i) influencing or attempting to influence another person to commit an abuse of the Student Conduct Review System.

16. Failure to Comply with the Request of a University Official.

This rule prohibits, but is not limited to, the following:

- a) failure to comply with a reasonable and lawful request or directions by a University official; or
- b) interference with students, faculty, staff, or law enforcement officials acting in the performance of their official duties;
- c) failure to comply with a Student Conduct Notification.

17. Skateboarding, Rollerblading, or Rollerskating in or Near a University Building.

This rule prohibits, but is not limited to, the following:

- a) use of a skateboard, rollerblades, bicycles or rollerskates in a manner that may cause damage to University property; or
- b) use of a wheeled device around University buildings in a manner that may cause injury to pedestrians.

18. Aiding or Abetting Misconduct.

This rule prohibits aiding or abetting misconduct by others which would be in violation of the rules outlined in this Code or of federal, state or local laws. Aiding is defined as acting with intentionality to directly assist another in the planning or commission of misconduct. Abetting is defined as the intentional encouragement of any action which assists or supports another in the achievement of misconduct, or of the intentional creation of the conditions necessary for misconduct to occur.

19. Violation of Copyright.

This rule prohibits, but is not limited to, the downloading or sharing of the intellectual property and copyrighted works of others without permission or consent of the copyright holder, including music, motion pictures, computer software, photos, data files, and configuration files and maps using UMBC computer resources.

C. Sanctions and Conditions

1. The following sanctions may be imposed upon any Charged Student, found to have violated the Code of Student Conduct:

- a) Disciplinary Reprimand - This sanction indicates that the Charged Student's "good standing" status is in jeopardy and further violations may result in Disciplinary Probation, Suspension, or Dismissal.
- b) Disciplinary Probation - This sanction places the Charged Student on probationary status during which further violations of the Code of Student Conduct may result in Suspension or Dismissal.
- c) Disciplinary Suspension - A sanction of suspension terminates a student's status as an enrolled student for either a specific or indefinite period of time. The suspension may take effect immediately, on some future date to be specified, or be held in abeyance. A suspended student is restricted from campus and may not be present on campus without specific written authorization from the Vice President for Student Affairs or designee. Any violation of this restriction shall subject the student to arrest for trespassing. A student who is suspended shall exit campus immediately upon receiving notice that the sanction of suspension has been imposed. University Police must accompany the student when retrieving personal belongings. This sanction is noted on the student's transcript as "Disciplinary Suspension". As described in Article VII, the Student may file a written request with the Office of Student Judicial Programs to have this notation expunged after the period of suspension has ended. Otherwise, the notation will remain on the student's transcript unless the disciplinary file is expunged. A student under this sanction may reapply for admission after the designated

number of semesters or years and must show cause why the behavior for which the student was suspended will not reoccur and that during the suspension the student has made positive contributions to society (e.g. through work, volunteer service, schooling, etc.).

- d) Disciplinary Dismissal - A sanction of dismissal permanently terminates a student's status as an enrolled student. A dismissed student is restricted from campus and may not be on campus without specific written authorization from the Vice President for Student Affairs or designee. Any violation of this restriction shall subject the student to arrest for trespassing. A student who is dismissed shall exit campus immediately upon receiving notice that the sanction of dismissal has been imposed. University Police must accompany the student when retrieving personal belongings. This sanction is noted on the student's transcript as "Disciplinary Dismissal" and will remain on the student's transcript unless the disciplinary file is expunged.
2. The following conditions may be imposed, along with a sanction, for any Charged Student found to have violated the Code of Student Conduct. Conditions include, but are not limited to:
    - a) Financial restitution for any loss sustained or incurred by the institution or member(s) of the University community.
    - b) Community restitution.
    - c) Attendance at an alcohol and/or other drug education program.
    - d) Counseling Session.
    - e) Educational Project.
    - f) Suspension of computer account.
    - g) Restriction from specific University buildings, areas, or facilities.
    - h) Termination of UMBC Residential Life license.
    - i) Termination of Food Services contract.
    - j) Restriction or denial of campus driving privileges for disciplinary violations involving the use or registration of motor vehicles and parking permits.
    - k) No contact with designated persons.
    - l) Residential Life housing reassignment or loss of ability to re-license or reapply for UMBC housing.
    - m) Establishment of Educational Achievement Expectations.
    - n) Revocation or denial of degree/diploma.
    - o) Academic Registration block.
    - p) Monetary fines.
    - q) Loss of University privileges, including social privileges, athletic privileges, housing privileges, co-curricular privileges, facility-use privileges.
    - r) Residential Life Probation – This condition places the student on a notice that further violations may lead to the termination of the student's UMBC Residential Life license.
    - s) Random Drug Testing.
  3. Attempts to violate this Code are subject to sanctions to the same extent as completed violations.
  4. Failure to complete a mandated sanction within the allotted time may result in administrative actions including but not limited to block on the student's ability to register for classes.

## **Article VI. PROCESSES AND OUTCOMES**

### **A. Jurisdiction of the University**

Any student who engages in conduct that is prohibited by the rules and regulations outlined in this Code is subject to a Student Conduct Review. Misconduct that takes place off the campus and is deemed detrimental to the interests of the University is also subject to a Student Conduct Review.

## B. Criminal and Civil Accountability

In addition to a student's accountability to the University, a student also remains accountable to civil authorities and may be prosecuted criminally for violations of law. A Student Conduct Review at the University will normally proceed during the pendency of criminal proceedings.

## C. Access for Persons with Disabilities

The University will provide reasonable accommodations to students with disabilities, to enable them to participate fully in the processes, programs, and services offered by Student Judicial Programs. Accommodations are determined on an individual basis by Student Support Services. Any student with a disability requiring an accommodation should notify the Conduct Officer seven (7) days prior to the Pre-Hearing Conference or Student Conduct Hearing.

## D. Student Conduct Review Process

1. Any member of the University community may refer allegations of student misconduct that may be in violation of the Code of Student Conduct. The allegations shall be in writing and directed to the Office of Student Judicial Programs. Persons making such allegations are required to provide information pertinent to the case and may be expected to appear during Student Conduct Review proceedings as the Charging Party. The Director may appoint a Charging Party.
2. The Conduct Officer may conduct additional investigation to determine if the allegations have merit. If the allegations are unsubstantiated, the matter will be closed. Such disposition shall be final and there shall be no subsequent proceedings unless new information, unavailable at the time of the original disposition, arises.
3. If the allegations of misconduct are (a) based on reasonably reliable information and (b) may involve a violation of the Code of Student Conduct, the Conduct Officer will write a letter describing the charges to the Charged Student and scheduling a Pre-Hearing Conference.
4. All charges and dispositions will be issued to the Charged Student in written form. All charge and disposition notices will be (a) hand-delivered, (b) e-mailed to the student's University e-mail account, (c) mailed to the on-campus address of the Charged Student with return receipt-requested, or (d) mailed by certified, return receipt requested first class mail to the off-campus address on file in the University Registrar's Office. Notices sent to off-campus addresses may be copied and sent First Class U.S. Mail. Electronic notices will be sent to the University assigned email account. Notices sent by these methods will be presumed to be delivered unless returned as undeliverable. Students are responsible for ensuring that their mailing address of record is current and complete. Students are also responsible for maintaining their University assigned e-mail account
5. The Pre-Hearing Conference is an informal, non-adversarial meeting between the Charged Student and the Conduct Officer. The Charging Party is not required to participate. Documentary evidence and written statements can be relied upon, so long as the Charged Student is allowed to respond to them.
  - a) When the Charged Student does not dispute the facts upon which the charges are based, pleads "responsible" to the alleged rule violations, and executes a written waiver of the hearing procedures, the Conduct Officer shall impose an appropriate sanction. The student shall be informed in writing of the decision. In such a case, when the Charged Student accepts responsibility for violating a Code rule(s), only the sanction may be appealed.
  - b) In those cases in which the Charged Student contests the allegations upon which the charges are based or refuses to execute a written waiver of a hearing, a Student Conduct Hearing will resolve the allegations.
  - c) Failure to appear at a Pre-Hearing Conference may preclude the early resolution of the case and may require that a full hearing be held by the Hearing Board to resolve the matter.
6. Student Conduct Hearings shall be conducted by a Hearing Board according to the following guidelines:

- a) Both the Charged Student and Charging Party shall be provided an opportunity to present relevant evidence and witnesses on their behalf. The Hearing Board will determine relevancy and admissibility of evidence and witnesses. Both parties shall have the opportunity to hear and have relevant questions asked of adverse witnesses. Witnesses will be advised that Student Conduct Hearings are confidential. The Hearing Board may receive evidence and testimony by other means as the situation dictates. Written statements may be admissible and shall be signed in the presence of a University Official. Both parties shall have the right to read and submit a rebuttal to such evidence. The Hearing Board need not resort to this procedure in any case where it is believed to be unfair to the Charged Student or the Charging Party. To expedite the process, both parties may, at their discretion, provide written statements and/or testimony to the Hearing Board for review prior to the Student Conduct Hearing. Such statements and documents are not dispositive of the proceedings.
- b) The Board shall hear evidence and testimony relevant to the Charged Student's alleged involvement in the rule violations and then deliberate in closed session. The Hearing Board's determination shall be made on the basis of whether it is more likely than not that the Charged Student violated the Code of Student Conduct. Responsibility is determined by a majority vote of the Hearing Board members. If the Charged Student is found responsible for any alleged violations, the Board may receive additional evidence and testimony regarding appropriate sanctions. The Board may take into consideration prior findings of University violations and Residential Life policy violations as well as criminal convictions when determining sanctions. The Hearing Board vote must be unanimous to implement the sanction of suspension or dismissal. The Charged Student and, to the extent authorized by FERPA, the Charging Party and any Victim, as defined in Article III, Section U, shall be informed of the outcome of any Student Conduct Review.
- c) The evidence and testimony of witnesses will be admissible if it is relevant. The Hearing Board will determine relevancy. Criminal and Civil evidentiary rules are not controlling in Student Conduct Hearings.
- d) One Advisor is permitted to accompany each Charged Student, Charging Party or Victim throughout the Student Conduct Review. The advisee may be assisted and advised by the person of their choice, e.g., a friend, a parent, a professor, a counselor, an attorney. An advisor may not be a witness or a Charged Student in the same alleged misconduct/incident. The role of the advisor shall be limited to consultation with their advisee. Advisors may not address the Hearing Board or question hearing participants. Advisors must assist their advisee in a manner that does not disrupt the hearing, e.g., written or whispered words. Violations of these limitations may result in ejection of the advisor from the hearing at the discretion of the Chair of the Hearing. An advisor may not appear in lieu of the Charged Student.
- e) The Chair of the Hearing Board, with the aid of the Director, shall:
  - i. Confirm that the Charged Student received the Procedures & Safeguards for Students in the UMBC Student Conduct Review System.
  - ii. If an advisor is present, review the advisor's role and limitations during the hearing.
  - iii. Make all rulings on matters relating to the conduct of the hearing, including matters regarding admission of evidence and witnesses.
  - iv. Maintain an orderly hearing and permit no person to be subjected to abusive treatment. The Chair of the Hearing Board may expel or exclude anyone who refuses to be orderly.
  - v. Administer an appropriate oath of honesty to all persons testifying before the Hearing Board.
- f) The Charged Student may affirmatively indicate to the Director, at least two days prior to the hearing, the desire to have the hearing open. In such cases, the Director shall notify the Charging Party and Victim. If the Charging Party or Victim objects to the open hearing, the Hearing Board will decide the matter in closed session. Otherwise, all hearings are to be in closed session and only Board members, the Charging Party, the Charged Student, the Victim, a single advisor for each of them and the Director of Student Judicial Programs, or designee, will be allowed to be present. In open hearings, sequestration of witnesses is

permissible. The Chair of the Hearing Board or the Director may limit the number of spectators relative to available space in the hearing room.

- g) A single recording will be made of the Student Conduct Hearing. If a recording malfunction occurs, the Hearing Board shall include a summary of the testimony sufficiently detailed to permit review on appeal. The recording shall be maintained by the Office of Student Judicial Programs and, in case of an appeal, made available for review, upon request, to the parties involved in the appeal as well as the Appellate Board. A Charged Student may review the recording of his/her hearing by scheduling an appointment with the Director. Review of the recording shall only occur in the presence of the Director, or designee. In cases where the Charged Student is found not to be responsible, the recordings shall be erased or destroyed as soon as practicably possible after the hearing. The recording is the property of the University.
- h) If the Charged Student does not appear and does not provide a satisfactory explanation for the absence, or should the Charged Student leave the hearing before its conclusion or adjournment, the hearing may proceed and the Hearing Board may render a decision based upon the available evidence.
- i) In the absence of a Hearing Board quorum, the Director, or Vice President for Student Affairs, may designate an alternative means of resolution such as designating a person(s) to act in place of the Hearing Board.
- j) Either the Charged Student, the Charging Party, or the Victim may challenge the impartiality of any member of the Hearing Board scheduled to hear the case. The challenge shall set forth the basis of the alleged bias such as, that the member was a participant in the event out of which the action arose, or is related to, or has had past association with the Charged Student, the Victim and/or with the person making the referral. The Hearing Board, after reviewing the matter, will determine whether the member of the Hearing Board should be disqualified from consideration of the case.
- k) Where a Charged Student has been charged with multiple offenses arising out of a single occurrence or a series of related offenses, a single hearing may be held for the Charged Student. Where more than one student is charged with misconduct arising out of a single occurrence or out of connected multiple occurrences, or the same operative facts, a single hearing may be held for all the students charged. Such students may request that their case be consolidated with others, or separated from others. The Charging Party shall have the opportunity to respond to the request, and the Director shall make determinations regarding consolidation or separation. A Charged Student may request a consolidated hearing of multiple offenses of an unrelated nature.
- l) The Director's role at the hearing is primarily advisory. The Director will be accorded all privileges of Board members, but shall not vote.

#### E. Interim Suspension, Restriction from University Property

1. A student may be suspended or restricted from University Property for an interim period pending Student Conduct Review or medical evaluation. The Vice President for Student Affairs, or a designee may initiate this action. The interim suspension or restriction is effective without prior notice, when there is evidence that the continued presence of the student on the University campus, or in specific facilities, poses a substantial threat to himself or herself, or to others, or to the stability and continuance of normal University functions.
2. A student may request a review of the interim action. This request must be in writing to the Vice President for Student Affairs, or designee. A response to the request will be made within five (5) days from the date of receipt of the request. The review shall examine the following issues only:
  - a) the reliability of the information concerning the student's conduct, including the matter of identity; and
  - b) whether the alleged conduct and surrounding circumstances reasonably indicate that the continued presence of the student on the University campus, or in a specific campus facility, poses a substantial threat to him or herself or to others or the stability and continuance of normal University functions.

3. Interim suspension or restriction from University Property shall be followed, within ten (10) days, by an opportunity to have a Pre-Hearing Conference or Student Conduct Hearing as described in this Code.

#### F. Appeals

1. A decision reached by a Hearing Board or a sanction imposed by a Conduct Officer, may be appealed by the Charged Student, or Victim, if applicable, to an Appellate Board. Grounds for the appeal, as stated in the written request, must be based upon at least one of the following:
  - a) Substantial departure from, or denial of, rights or provisions enumerated in the Code of Student Conduct;
  - b) New evidence, unavailable or unknown at the time of hearing, has been discovered or made available which, if proven accurate, would substantially alter either the decision as to the responsibility of the Charged Student or as to the sanction imposed;
  - c) A reasonable claim that the sanction imposed is disproportionate to the gravity of the misconduct.
2. All appeals shall be heard by the Appellate Board.
  - a) A written Notice of Intent to Appeal must be submitted to the Office of Student Judicial Programs within two (2) days of the date of issuance of the decision. Failure to submit Notice of Intent to Appeal within the allotted time will render the original decision final and conclusive.
  - b) A written appeal must be submitted to the Office of Student Judicial Programs within four (4) days of the date of issuance of the decision. Failure to submit a written appeal within the allotted time will render the original decision final and conclusive.
  - c) The Charging Party and Victim, if applicable, will be given the opportunity to file a response to the Charged Student's appeal within three (3) days of receiving notice that an appeal has been filed. The Charged Student will be given the opportunity to file a response to the Victim's appeal within three (3) days of receiving notice that an appeal has been filed.
  - d) Appeals shall be decided upon the record of the original Student Conduct Review and/or Hearing, the disciplinary record, the written appeal of the Charged Student and Victim, if applicable, and the written response of the Charging Party.
3. The Director may provide more time for any part of the appeal process, when good cause is shown and a written request is made for such an extension.
4. Sanction imposition is usually deferred during the pendency of appellate proceedings, however a Charging Party's or Victim's request to implement all or part of the sanction and conditions during the appeal proceedings can be filed with the Director. The Director will request a response from the Charged Student. The determination is at the discretion of the Director.
5. Appeals based on grounds other than those enumerated above are subject to dismissal by the Director.
6. The Appellate Board may reverse a finding of responsible or not responsible, remand the matter, or increase, decrease, or simply alter the sanction or conditions.
7. The decision of the Appellate Board is final and conclusive.

#### **Article VII. EXPUNGING DISCIPLINARY RECORDS AND/OR REMOVING NOTATIONS**

A disciplinary record may be expunged and/or a transcript notation removed for good cause by the Director of Student Judicial Programs. A "Petition to Expunge" shall be submitted by the Student Petitioner to the Director for review. Factors to be considered shall include the following:

1. the present demeanor of the Petitioner;
2. the conduct of the Petitioner since the violation;
3. the nature and severity of the violation;
4. the nature and severity of any damage, injury, or harm resulting from the misconduct; and
5. the recommendation of the Charging Party.

## **Article VIII. INTERPRETATION AND REVIEW**

- A. Any question of interpretation regarding the Code of Student Conduct shall be referred to the Director of Student Judicial Programs.
- B. The Code of Student Conduct shall be reviewed every two (2) years under the direction of the Director of Student Judicial Programs.

Last Updated: January 14, 2013