

**Doc. T94-059, as amended**  
**Passed by the BoT**  
**6/8/94 (UML)**  
**Revised 2/2/00**  
**Revised 5/1/02**  
**Revised 5/24/06**  
**Revised 3/19/08**  
**Revised 9/30/09 (Appendix B)**  
**Revised 6/19/13**  
**Revised 6/17/15**

**UNIVERSITY OF MASSACHUSETTS LOWELL**  
**STUDENT CONDUCT CODE AND CONDUCT PROCESS**  
**ALCOHOL/DRUG POLICY**

**PREAMBLE**

Acting upon the authority granted to it by the provisions of Chapter 75 of the General Laws, the Board of Trustees adopts the policies and procedures herein contained which govern the conduct of students. The provisions which follow are subject to the requirements and guidelines established by the Board of Trustees.

Conduct appropriate to a student at the University of Massachusetts Lowell (the "University") is that conduct which promotes the individual's own academic pursuits and which contributes to meeting the community's educational goals and objectives.

An individual's conduct or behavior becomes a proper concern of the University if it adversely affects the academic interest of other members of the University or the University's pursuit of its educational objectives. In addition, because the University is in an urban setting, it is an inseparable part of the community and the surrounding neighborhoods. The University is strongly committed to the promotion of goodwill in the larger community which is essential to the continued cooperation of the University and its neighbors in civic projects and to the furtherance of the University's broader mission to contribute to the general good of society. Consequently, the University must consider student conduct, whether on or off campus, that is disruptive of good community relations or which interferes with, impairs or obstructs the University's mission, functions and processes or that are found to be offensive to generally accepted standards of sound behavior, as harmful and adverse to the University's interests. Notification of a Code violation or decision of a Code violation is issued to a student through the student's University email account.

Any behavior which may have been influenced by a student's mental state (irrespective of the ultimate evaluation), or use of drugs or alcoholic beverages shall not in any way limit the responsibility of the student for the consequences of his or her actions. Therefore, such conduct will be subject to the University's Student Conduct Code and Discipline Process.

It is not the purpose of the Student Conduct Code to duplicate the public statutes. The University cannot and does not condone violations of law and clearly recognizes that the laws of the land operate in full force on its campus. However, the University does reserve its own special authority for the regulation of conduct which affects its particular interests as an academic community.

The University may institute proceedings against students whose conduct is prohibited by state, federal, or local laws, and which occurs on or off campus and materially affects the campus community. Such action by the University is independent of, and may proceed in parallel with, civil and/or criminal action. Additionally the University may institute proceedings against students whose conduct is a violation of University policies and regulations (including Residence Life Guidelines).

Fundamental to the achievement of community among the members of the University is the recognition by all such members that each shares a responsibility to observe the University's Student Conduct Code, policies, and regulations. This obligation, which is an extension of the citizen's responsibility to observe the law of the land, is an essential corollary to participation in the academic rights afforded to members of the University.

The University Student Conduct Code is not the only document governing conduct on this campus. Everyone, including students, faculty, staff and administrators, is urged to become familiar with additional rules and regulations including but not limited to Massachusetts Motor Vehicle Regulations, University Parking Regulations, Residence Hall Student Conduct Code, rules regarding Academic Integrity, the Sexual Harassment Policy, the Policy for Demonstrations on University Property (see appendix D) and the University Policies for Electronic Resources.

This Code sets forth examples of behavior for which discipline and educational sanctions may be imposed and is neither intended to be exhaustive nor to limit the University's ability to discipline particular conduct.

## **I. DEFINITIONS**

1. **University**: The University of Massachusetts Lowell.
2. **Student**: all persons taking courses at the University, either full-time or part-time; pursuing undergraduate, graduate, or professional studies; persons who withdraw after allegedly violating the Student Conduct Code; persons who are not officially enrolled for a particular term but who have a continuing relationship with the University; persons who have been notified of their acceptance for admission; or persons who are living in University residence halls or apartments, although not enrolled in this institution.
3. **Faculty Member**: any person hired by the University to conduct classroom or teaching activities or who is otherwise considered by the University to be a member of its faculty.
4. **Staff**: any person employed by the University, performing assigned administrative or professional responsibilities.
5. **Member of the University Community**: any person who is a student, faculty member, staff or any other person employed by the University. A person's status in a particular situation shall be determined by the Dean of Student Affairs or their designee.
6. **University Premises/Property**: all land, buildings, facilities, and other property in the possession of or owned, leased, used, operated or controlled by the University.
7. **Organization**: any number of persons who have complied with the formal requirements for University registration.

8. “Preponderance of the Evidence” Standard: The burden of proof standard used in determining a violation of the Student Conduct Code. A preponderance of the evidence standard means that it is more likely than not that a violation of the Student Conduct Code occurred.
9. Campus Conduct Board: any person or persons authorized by the Associate Dean of Student Affairs or their designee to determine whether a student has violated the Student Conduct Code and to recommend sanctions that may be imposed.
10. Conduct Officer: a staff member authorized on a case-by-case basis by designation of the Associate Dean of Student Affairs or their designee to hear cases and impose sanctions upon student(s) found to have violated the Student Conduct Code.

## **II. UNIVERSITY OF MASSACHUSETTS LOWELL STUDENT CONDUCT**

It is in the best interest of the University and members of the University community for the University to function in regard to disciplinary matters as a self-contained community in an orderly environment. Assurance that fair sanctions will be promptly imposed on those found responsible for misconduct will University preserve order. The University Student Discipline Process is designed to help the University exercise proper control over its own disciplinary affairs while acknowledging the rights and competence of the civil authorities in such matters. Procedures have been established which are reasonably calculated to facilitate a reliable determination of the issues and to afford any student(s) accused or a student who files a complaint of certain basic procedural rights, as specified below.

It is the intent of Student Conduct Code to set forth in a clear, concise manner the expectations and duties of all members of the University community and to set forth administrative and disciplinary procedures whereby those students who are accused of violating the rules may be afforded a hearing and, if appropriate, a fair and just sanction.

### **Interim Measures:**

1. The University shall retain the right to impose an interim suspension if such action is necessary because of a threat of imminent harm to the University community or property. The determination to impose an interim suspension shall be made by the Associate Vice Chancellor of Student Affairs and/or their designee. Interim Suspension is defined as: A temporary separation from the University until the conduct process can be completed. During this period of time a student is not permitted on any University property (owned/leased/operated by) without permission from the Dean of Students Office or their designee. Additionally, the only business a student under interim suspension is allowed to conduct with the University is to participate in the conduct process (see section VI).
2. Other interim measures may be used to protect the well-being of the University community or property. These other measures shall not affect the student’s ability to attend class.

## **III. UNIVERSITY JURISDICTION**

Students are subject to all local, state and federal laws. Conduct, whether on or off-campus which adversely affects the University’s mission and purpose and/or potentially violates the Student Conduct Code will be subject to an action through the University Student Discipline Process and, if warranted, careful consideration will be given to University disciplinary action in addition to whatever action civil authorities might pursue. The University may institute proceedings against students whose conduct is prohibited by state, federal, or local laws and which occurs on or off campus, when such conduct is also a violation of the Student Conduct Code, or University policies and regulations.

#### **IV. UNIVERSITY STANDARDS**

Misconduct for which students are subject to disciplinary action, up to and including suspension or expulsion from the University will generally fall into the following categories.

**A. Respect and protection for persons and property**—Respect for persons means acting so as to enhance the safety, well-being and freedom to allow all persons to pursue their legitimate aims. This is inclusive of all University Community Members and non-community members. Respect for property means recognizing not only the ownership rights of persons and of the University, but also the dependence of all on the availability and preservation of necessary facilities and equipment.

- 1. Against persons**—No student shall assault, threaten, harass, stalk, haze or otherwise physically or psychologically abuse his or her self or any other person on or off campus including a University or city official acting in the line of duty. This shall include but not be limited to:
  - a. Physical assault including but not limited to physical attack upon or physical interference with a person, which prevents the person from conducting his or her customary or usual affairs, puts the person in fear for his or her physical safety, or causes the person to suffer actual physical injury. The University has special concern for incidents in which persons are subject to physical assault because of membership in a particular racial, religious, gender or sexual orientation group.
  - b. Conduct less than a physical attack or physical interference which interferes with a person in the conduct of his or her customary or usual affairs, such as the posting of threatening letters directed to the person, the use of threatening language directed at another, harassing or threatening telephone calls, email, voicemail, posting of materials in on-line communities, instant messaging (IM), or the vandalism of a person's room (e.g. by graffiti). The University has special concern for incidents in which persons are subject to such conduct because of membership in a particular racial, religious, gender or sexual orientation group.
  - c. Retaliatory Harassment: An adverse action taken against a student for filing a complaint, or participation in the review of a complaint or disciplinary proceedings in any capacity. Retaliation includes taking action which may have an adverse impact on the student's academic success or the learning environment of the student if such action is taken because of the student's filing of, or participation in the review of a complaint, whether or not such complaint is determined to be valid. Retaliation by a student directly or indirectly may result in additional conduct code charges. Any student who believes that retaliation has taken place or is taking place, should immediately report the matter as provided herein.
  - d. Stalking: Any pattern of unwelcome conduct directed specifically at another person that threatens or endangers the physical or mental safety or property of that person (or a member of that person's family or household) or creates a reasonable fear or intimidation of such a threat or action.
  - e. Domestic and/or Dating Violence: Abuse, (including; but not limited to physical and/or sexual), or threats of such abusive violence committed by one intimate partner who is, or has been in, a romantic or intimate relationship with another intimate partner. Domestic violence and dating violence can occur between current or former intimate partners who have dated or lived together. Domestic violence can occur between current or former intimate partners who are married, or have been married, or have a child. Both Domestic and Dating violence can

occur in opposite-sex and same-sex relationships. Dating violence and domestic violence may encompass one or more of the following behaviors directed toward a current or former intimate partner. This is not an exhaustive list:

- a. Attempting to cause or causing bodily injury or offensive physical contact, e.g., slapping, pulling hair, punching, sexual assault;
  - b. Knowingly restricting the movements of another person, e.g., removing a person from residence or school, isolating or confining a person for a substantial period, monitoring phone calls or email, preventing a person from attending class or interfering with studying; or
  - c. Attempting to place or placing another person in fear through a course of conduct, e.g., threatening, manipulating, intimidating, verbally and/or emotionally abusive behaviors, or exhibiting extreme possessiveness or jealousy.
- f. Sexual Misconduct or any other unwelcomed behavior of a sexually explicit nature. Included Offenses:
1. Non-Consensual Sexual Intercourse is: any sexual intercourse (anal, oral or vaginal); however slight; with any object or body part; by a person or persons upon a person; without consent.
  2. Non-Consensual Sexual Contact is: Any sexual touching (buttocks, genitals, breasts); however slight; with any object or body part; by a person or persons upon a person; without consent.
  3. Sexual Exploitation: occurs when a student takes nonconsensual, unjust or abusive sexual advantage of another; for his/her own advantage or benefit; or to benefit or advantage anyone other than the one being exploited; and that behavior does not otherwise constitute non- consensual sexual contact, non-consensual sexual intercourse or sexual harassment. Examples of Sexual Exploitation include, but are not limited to:
    - Prostitution
    - Videotaping
    - Going beyond the boundaries of consent
    - Voyeurism
    - Knowingly exposing another to or transmission of HIV or STD
    - Inducing incapacitation for the purpose of having sex with the incapacitated person (this type of sexual exploitation occurs regardless of whether sexual activity actually takes place).
  4. Sexual harassment can occur between individuals of different sexes or of the same sex. Sexual harassment may occur in the form of sexual advances, requests for sexual favors, and other conduct of a sexual nature.

Sexual harassment is unwelcomed conduct of a sexual nature when

- (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic admission or advancement, or participation in University programs or activities;
- (2) submission to or rejection of such conduct by an individual is used as the basis for employment or academic decisions affecting such individual; or

- (3) such conduct is sufficiently severe or pervasive to unreasonably interfere with an individual's work or academic performance, or creates an intimidating, hostile, or offensive working or academic environment. A single, unusually severe incident may constitute sexual harassment.

The University prohibits retaliation against individuals who in good faith make a report, file a complaint, cooperate in a sexual harassment investigation or procedure, or intervene to prevent a violation of this policy. Any member of the University community who engages in sexual harassment, retaliation, or both in violation of this policy may be subject to disciplinary or other action.

### **Definition of Terms**

•**Intercourse:** Intercourse is not synonymous with penetration. If it were, non-consensual french kissing could meet the definition of oral rape. Intercourse is the physical contact between individuals. Intercourse includes: vaginal penetration by a penis, object, tongue or finger; anal penetration by a penis, object, tongue or finger; and oral copulation (mouth to genital contact or genital to mouth contact).

•**Sexual Touching:** any sexual contact with the breasts, buttocks, groin, genitals, mouth or other bodily orifice of another, or touching another with any of these body parts, or making another touch you or themselves with or on any of these body parts; any bodily contact in a sexual manner, though not involving contact with/of/by breasts, buttocks, groin, genitals, mouth or other orifice.

•**Consent:**

1. **General Definition:** Consent is knowingly given, informed; freely, willingly, and actively given; mutually understandable, unambiguous words or actions; which indicate a willingness to engage in mutually agreed upon sexual activity (or in more plain language—to agree to do the same thing, at the same time, in the same way, with each other). **One may not engage in sexual activity with another who one knows or should reasonably know to be physically or mentally incapacitated (refer to 2d and 2e), including incapacitation by drug or alcohol use or under threat of violence (refer to 2f). Consent may be withdrawn at any time.**
2. It is the responsibility of the person seeking to initiate the sexual activity or conduct to affirmatively obtain consent, not the intended recipient of such contact or conduct to deny such consent. An affirmative, informed decision to engage in mutually acceptable sexual activity given by clear and unambiguous actions or words, it is an informed decision made freely and actively by all parties.
  - a. Relying solely upon nonverbal communication can lead to miscommunication. It is important not to make assumptions; if confusion or ambiguity on the issue of consent arises anytime during the sexual interaction, it is essential that each participant stop and clarify, verbally, the willingness to continue.
  - b. Students should understand that consent may not be inferred from silence, passivity, or lack of active resistance alone.

- c. A current or previous dating or sexual relationship is not sufficient to constitute consent, and consent to one form of sexual activity does not imply consent to other forms of sexual activity.
- d. When substance use is involved, a person is not considered able to give consent when the victim's judgment is incapacitated such that that he or she would not be capable of making rational decisions about his or her welfare, based on understanding "who, what, where, when and how" analysis, and as such the person would not be able to give consent to engage in sexual activity.
- e. When an individual is incapable of giving consent because of his/her temporary or permanent mental or physical incapacity.
- f. An individual cannot consent if s/he is under the threat of violence, bodily injury or other forms of coercion.
- g. Consent is not indefinite and may be withdrawn at any time. Once consent is withdrawn, all sexual activity must cease unless and until additional effective consent is given.

**Resources are available for Reporting Stalking, Dating/Domestic Violence and Sexual Misconduct at [uml.edu/Prevent/](http://uml.edu/Prevent/)**

- 2. **Against property**—No student shall take, possess, damage or deface any University or neighborhood property or any property not his/her own.
- 3. **Health and Safety**—No student shall refuse to observe any safety regulations or procedures. No student shall tamper with or otherwise misuse fire extinguishers, fire safety systems or other safety equipment on or off-campus.
- 4. **Dangerous Conditions**—No student shall knowingly create a condition which unnecessarily endangers or threatens the safety of any student or other persons or of property on or off campus. (e.g., students are prohibited from throwing things from roofs or windows, sitting on windowsills, tampering with or damaging elevator equipment or other machinery.)
- 5. **Disruptive Activities**—Interference with freedom of speech or movement, or intentional disruption or obstruction of teaching, research, administration, activities, or other functions or the incitement of others to do any of the above on or off campus. This includes noise disturbances on or off campus. Student tenants in off-campus housing will be held responsible for activities such as noise, large parties, inappropriate behavior, fights and property damage in and around their homes which are reported to the University as disruptive of good community relations.
- 6. **Weapons**—No student shall possess or introduce, on or off campus, dangerous weapons including, but not limited to: knives, num chucks, brass knuckles, pellet guns, paint ball guns, archery equipment, martial arts weapons, pepper spray, mace, firearms and/or fireworks or other explosives. Students should be aware of the negative consequences of introducing plastic or toy weapons on campus which may be mistaken for real weapons.
- 7. **Discrimination**—No student shall be denied or deny the rights or privileges of a member of the University Community or other individual on the basis of a protected class such as race, color,

religion, gender, gender identity or expression, age, sexual orientation, national origin, ancestry, disability, marital status, military status, or genetic information in the admission to and participation of the University's academic programs, activities, services, or employment. This Code adheres to the University's Affirmative Action Plan, available at [http://www.uml.edu/docs/UMass-Lowell-AA-Plan-2012-2013\\_tcm18-107337.pdf](http://www.uml.edu/docs/UMass-Lowell-AA-Plan-2012-2013_tcm18-107337.pdf)

8. **Hazing**—A conduct or method of initiation into any student organization, whether on public or private property, which willfully or recklessly endangers the safety, the physical or mental health of any student or other persons. The implied or express consent of the victim will not be a defense. Apathy or acquiescence in the presence of hazing are not neutral acts; they are violations of this policy. Failure to report a potential violation of the hazing policy may result in action through the Student Conduct System. This applies to such behavior on or off campus. No student or organization shall be involved in any action which is considered hazing by this definition. The University has a Zero Tolerance Policy for any/all types of Hazing. See Appendix A, Policy Regarding the Practice of Hazing, as well as the Massachusetts General Law regarding Hazing.
9. **Solicitation**—No student or student organization may represent itself as acting for or on behalf of the University in any commercial enterprise or in the solicitation or collection of funds for any purpose whatsoever without approval in advance by the appropriate University authority. (This applies to all means of communication, including but not limited to mail, email, telephone, electronic devices, or other means.)

**B. Security of buildings and facilities**—Students of the University may enter and use all campus buildings and areas for the purposes assigned to these facilities and places during established operating hours. Exceptions to this rule are made only in the interests of safety, personal use and privacy, protection of valuable materials and equipment or to regulate access according to the hours which are normal for their assigned functions. When buildings or spaces within them are officially closed or restricted, limited access applies to all students of the University unless specifically exempted. Students must adhere to all local, state, and federal regulations regarding trespassing on private property.

1. **Unauthorized access**—No student shall use or possess any key to any building or area which she or he is not specially authorized to use or possess, or to trespass after notice on University owned or leased property or private or city owned property.
2. **Illegal entrance/Unauthorized presence**—No student shall break into or without proper authority enter any University parking area, building or room, or city-owned or private property; nor shall any student enter or remain in any private room or office of any student, faculty member, administrative office or other person on or off campus without the express or implied permission of any person or persons authorized to use or live in that room or office; nor shall any unauthorized student enter or remain in any building or facility at a time when that facility is officially closed.
3. **Restricted areas**—No unauthorized student shall enter into any restricted areas; nor shall any student assist or make possible the unauthorized entry of any person into any restricted area. Restricted areas may include tunnels, roofs, posted or enclosed construction sites, secured utility areas, posted or gated parking areas, etc.
4. **Unauthorized parking**—No student shall park in any restricted area; nor shall any student assist or make possible the unauthorized entry of any person into any parking area.

**C. Integrity of transactions and records**—The University expects all students to be accurate in all information provided in official documents and correspondences with the University and/or on behalf of the University, both written and verbal.

1. **False Information**—No student shall furnish forged or false information or misrepresenting the truth to the University or official and especially as this relates to a University conduct process. No student shall provide false information to University personnel either written or verbal. No student shall give false or misleading information which could damage or discredit another person. No student shall perform the unauthorized alteration of University documents.
2. **Misrepresentation**—No student shall represent himself or herself, as another person, in writing, in person or otherwise, with the intent to obtain benefit or to injure or defraud another.
3. **False Testimony**—No student shall give false or misleading information during any part of a student disciplinary process or when completing documents issued by or used by the University or city for official functions or activities. Violations of this regulation will result in sanctions up to separation from the University for students and referral to the University Police Department for non-students.
4. **Misuse of records**—No unauthorized student shall enter, search, copy, steal, forge or possess University/city records, documents or other material including misuse or unauthorized use of computers.
5. **Unauthorized use of services**—No student shall knowingly take or use any services without authorization.
6. **Unauthorized Representation by a Student**—No student may represent the University or a registered organization without either the explicit prior consent of the officials of that organization or the appropriate University agency.
7. **Unauthorized Representation by a Student Organization**—No student organization may represent itself as acting for or on behalf of the University in any commercial enterprise or in the solicitation or collection of funds for any purpose whatsoever, without approval in advance by the appropriate University agency. (This applies to all means of communication including, but not limited to, mail, telephone, email, web-based programs or applications, or other means.)
8. **Electronic Resources**—The rights and privacy concerning the electronic resources of others must be respected. Attempts to bypass network and/or computer security (including probing activities), providing unauthorized services, and/or disabling or interfering with network access are explicitly prohibited. The illegal or unauthorized downloading and/or sharing of copyrighted materials is explicitly prohibited. Students will be held responsible for violations of the University's Network Usage Policy.

For more information please refer to University policies regarding electronic resources at <http://www.uml.edu/policy>.

**D. Official Directives**—Within the University and city, authority is delegated specifically to some individuals and some official bodies to direct the action of other members of the University and city in fulfillment of legitimate purposes and functions of the University and community.

1. **Failure to Comply**—No student shall refuse to comply with the directions of University/city/state officials, instructional or administrative, including University Police and Residence Life Staff, acting in performance of their duties.
2. **I.D. Cards**—All students must carry their University I.D. card with them at all times and immediately surrender their University I.D. card upon request by an authorized University/city/state official. Altering, improperly possessing, or lending a University I.D. Card to another person for any reason not expressly authorized by the University is a violation of this Code. A University I.D. Card falling into any of these categories may be confiscated by any student, staff or faculty member in the course of his/her charged work responsibility.

**E. University and Neighborhood Activities**—All legitimate activities of the University/city and its members can contribute to the achievement of its purposes and ideals. No single activity is above legitimate challenge or question, but activities shall be protected from peremptory unauthorized interruption.

**1. Individual Activities**—No student shall obstruct or disrupt any educational, research, administrative, social or recreational activity of the University; nor shall any student create a nuisance to members or guests of the University/city.

**2. Organizational Activities**—Actions/behaviors of recognized and unrecognized student organizations and other student groups will also be subject to disciplinary action.

**F. Personal Activities**—The University recognizes all local, federal and state laws and expects students to adhere to them. Specifically, the University puts students on notice that its campus offers no haven from applicable laws of personal behavior, and that students are specifically liable for any violation of local, state and/or federal laws.

1. **Alcohol**—The sale, giving, serving, or using of alcoholic beverages to or by those under the legal age is prohibited by Massachusetts Law. Possession of alcoholic beverages by those under the legal age is prohibited by Massachusetts Law. In addition, the University prohibits underage students from being in the presence of alcohol. See Appendix B, Alcohol Policy.
2. **Drugs**—No student shall knowingly sell, possess, manufacture, cultivate, distribute or use, or be in the presence of, on or off campus, substances defined by Massachusetts or Federal Law as illegal. Use/possession/sale/sharing of prescription medication that is not prescribed to a student is a violation of the Student Conduct Code, as well as a violation of the law. Additionally, the possession of drug paraphernalia is a violation of the Student Conduct Code. See Appendix C, Drug Policies and Regulations. Federal law imposes definite sanctions for drug use, sale, possession, distribution, manufacture and cultivation.
3. **Gambling/Fund Raising**—No student shall host or participate in activities that violate the Laws of the Commonwealth of Massachusetts pertaining to gambling and/or City of Lowell regulations governing gambling and fund raising.
4. **Lewd/Indecent Conduct**—Lewd or indecent conduct or expression, on or off campus/University property, or at University sponsored or supervised functions are a violation of the Student Conduct Code.

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

**G.** Any violation of the Residence Life Guidelines or University Policies (which are published in hardcopy, found on the website, or posted throughout campus), are considered violations of the Student Conduct Code. Any updates or modifications to these and other University rules, regulations, and policies may be found on the University website.

## **V. SANCTIONS**

The following sanctions may be applied to any individual, group of individuals, or organization for violations of the University Conduct Code, University policies, or guidelines. However, the University is not limited to these sanctions or to the application of only one of these sanctions. Sanctions will be part of the student's file for seven years from the date of graduation or separation from the University. Expulsion sanctions are kept for 25 years. Sanctions for violations of this Conduct Code are progressive. Prior disciplinary actions will be reviewed and students with prior records may receive more severe sanctions than students with no prior records. Any student found responsible of an additional offense while serving a prior disciplinary probation or suspension may be suspended or expelled, depending on the circumstances. Notwithstanding the progressive nature of sanctions, the University reserves its right to impose any level of sanction it deems appropriate and warranted.

**A. Expulsion**—The involuntary and permanent separation of the student from the University. This sanction will be recorded on the student's transcript. The student will also be barred from the University premises.

**B. Suspension**—The involuntary separation of the student from the University, differing from expulsion in that it implies and states a time when a return may be possible. Thus, suspension may extend from 1) a semester, 2) a specified period, 3) longer than one semester, until a specifically designated date, or 4) until a stated condition is met, pending review by the Dean of Students and/or their designee. Suspensions that take effect during a semester will result in the loss of academic credit for that semester. The student cannot participate in any University sponsored activity and is barred from University premises. The student will not be able to make any academic progress towards his/her degree during the suspension period unless permitted by the Dean of Students and/or their designee, i.e. a student may not take classes at another institution during the suspension period and transfer the credits to the University.

**C. University Probation**—Probation is, in effect, a second chance offered to the student to help him/her re-evaluate their conduct, and benefit from experience. There are two forms of probation:

**1. Elevated Probation**—During this time a student's status with the University can be at jeopardy. Further violations of the conduct code may result in housing removal, suspension or expulsion from the University. This sanction can be set for an indefinite period of time or until completion of degree.

**2. Probation:** This is the lower level of probation. Further violations of the student conduct code may result in more severe sanctions. This sanction can be set for an indefinite period of time or until completion of degree.

- D. Written Reprimand**—this written action is a formal admonition on behalf of the University and is intended to address behavior that has been deemed unacceptable for a University student. This action may be taken for repeated offenses or warnings as well.
- E. Social Probation or Student Organization Sanctions**—This status may be applied for failure to follow policies and/or directives related to student organization-sponsored activities on or off campus. Its primary effect is to suspend the privilege of sponsoring social events and/or to restrict access to specific campus facilities (use of facilities).
- F. Restitution**—If an infraction involves damages, or destruction or loss of property, monetary restitution may be imposed. Proof of payment of restitution must be provided to the Office of Student Conduct or their designee. Failure to provide proof of payment may result in a hold on registration and/or transcripts, or denial of graduation. The University will neither assume responsibility for, nor act in the collection of, privately incurred debts involving students.
- G. Community Service**—Students may be asked to perform a specified number of hours of community service as a sanction for a violation of the Student Conduct Code.
- H. Removal or relocation from University Housing**—The University reserves the right to remove a student from University Housing, or to relocate him/her to another Residence Hall. If a student is removed from University Housing, he/she is then prohibited from all University Housing.
- I. No Contact Order**—The University reserves the right to restrict contact by any means (in person, verbal, electronic, or via third party) of a student to a victim when the charged student is found responsible for a violation of the Conduct Code.
- J. Parental/Guardian Notification:** The University reserves the right to notify parent(s)/guardian(s) of any issues related to an alcohol/drug violation if the student is under the age of 21. This notification can be written or verbal.
- K. Other Sanctions**—Other sanctions may be imposed instead of or in addition to those specified above, such as work requirements, restriction upon privileges, etc.

## **VI. PROCEDURES FOR ADJUDICATING AN ALLEGED VIOLATION OF THE STUDENT CONDUCT CODE**

### **Rights of Students Involved in the Student Conduct Code Process**

1. Be notified of the alleged violations.
2. Review relevant and appropriately redacted materials by request, regarding the incident(s).
3. Be informed of the conduct process and/or the investigative process.
4. Respond to the alleged conduct code violations. This can be in writing through a written statement, or an in person meeting with a conduct officer or investigator.
5. Be accompanied by a support person during any student conduct process and/or investigation process in which the student is participating (please refer to Support Person guidelines on page 16).

6. Be notified in writing of the outcome of the conduct complaint.
7. Under certain circumstance the right to appeal is granted (see Appeals on page 18).
8. For cases involving Sexual Misconduct, Stalking, Domestic/Dating Violence and other violent crimes the complainant and responding student have the additional rights provided below and listed in more detail at: [www.uml.edu/Prevent/](http://www.uml.edu/Prevent/)

Be notified of:

- a. All reporting options available, including making an anonymous report.
- b. Support resources (ex. Counseling and Health Services, etc.) and remedial measures (ex. No contact orders, housing relocation, etc. More specific details see: [www.uml.edu/Prevent.](http://www.uml.edu/Prevent/)
- c. The right to request confidentiality (confidentiality is not defined as anonymous).
- d. The outcome to the complaint simultaneously in writing through University email.
- e. Appeal Rights (see Appeals on page 18).
- f. The right not to be required to be in the same room or meeting as the accused (or accuser) during the investigative process.
- g. The possible sanctions that the University may impose following the determination of the investigative process.

### **Case Referral**

Any member of the University community or persons unaffiliated with the University may notify the Office of Student Conduct of a student's violation of the University's Student Conduct Code. Notifications must be made within one year (365 days) of the alleged violation in order for charges to be brought. However, charges under Section IV, A.1.D.: Stalking; and Section IV, A.1.E: Domestic/Dating Violence; and Section IV, A.1.F.: Sexual Misconduct may be brought at any time while the charged student is enrolled at the University. The University may independently investigate an allegation of student misconduct whether or not it has been submitted in writing and whether or not it is beyond the three hundred sixty-five days provided in this paragraph.

The University does not tolerate retaliation towards a University community member who has reported a potential conduct violation. Please see Section IV, A.1.c: Retaliatory Harassment.

### **Process**

Upon receipt of a complaint the Office of Student Conduct will review the complaint and gather the necessary information to determine if further action is appropriate. If it is determined that there is sufficient information to charge a student with a violation of the Code, charges will be brought and the case must be heard through resolution.

It is the policy of the University to inform both the complainant and the responding student of the outcome of any campus disciplinary proceeding involving sexual misconduct, stalking, dating/domestic violence and, subject to FERPA, other violent crimes, as provided under the Rights of Students, provided above. The complainant and respondent shall be provided with a written list of the Rights of Students.

Disciplinary flags may be set on a student's record if a student fails to respond to notification of an alleged violation of the University's Student Conduct Code; fails to complete sanctions; when the University is concerned that a student's conduct affects the safety and well-being of the University community; or when a student is suspended or expelled from the University. When a disciplinary flag has

been set, the student cannot register for classes and may not be eligible for other academic services until meeting with a Conduct Officer.

Formal rules of process, procedure, and/or technical rules of evidence, such as are applied in criminal or civil court, are not used in the campus discipline process.

When the Office of Student Conduct determines that a violation of the University's Student Conduct Code is likely to have occurred, it will in a timely fashion complete the following actions:

1. When the alleged violation(s) of the Student Conduct Code may result in Written Reprimand, University Probation and/or other lesser sanctions, the following will occur:
  - a. Notify the student that he/she has allegedly violated the Student Conduct Code and provide a time no sooner than three (3) business days, in accordance with the student academic calendar, for a Campus Conduct Conference. This notification will be in writing sent through University email. Failure to appear for this Campus Conduct Conference may result in imposition of sanctions in absentia and forfeiture of the right to appeal. Refusal to accept notification is not grounds for failing to appear at the Campus Conduct Conference.
  - b. A Conduct Officer will be selected to investigate the matter and make a determination as to whether the Code has been violated and determine sanctions, if applicable. Students through the conduct office and the Conduct Officer may request a submission of firsthand written factual accounts by witnesses and/or the appearance of witnesses. The Conduct Officer shall facilitate this process and approach witnesses, and may request that the authors appear at the Campus Conduct Conference by making such request, either verbally or in writing. The Conduct Officer may exclude repetitive information or information that is not firsthand knowledge. Relevant and appropriately redacted materials may be reviewed by either student prior to the Campus Conduct Conference at the student's request.

The Campus Conduct Conference is a closed meeting. The Conduct Officer has the discretion to include other individuals as the Campus Conduct Officer deems appropriate. During the Campus Conduct Conference the following will occur:

- i. A student may be accompanied by a Support Person (please refer to Support Person guidelines on page 16).
- ii. The student will be allowed to provide his/her account of the incident.
- iii. Questions may be asked by the Conduct Officer to the student and any witnesses. Student and/or witnesses will not address each other. The student may ask questions through the Conduct Officer of any student and/or witnesses. No direct communication between students and/or witnesses will be allowed. If the Conduct Officer deems the question(s) inappropriate they will not be considered. This is to maintain the educational and non-confrontational tone to the Campus Conduct Conference.

A decision regarding an alleged Student Conduct Code violation will be made under the "Preponderance of the Evidence" standard.

- iv. At the end of the Campus Conduct Conference one of the following will occur:

1. Conduct Officer makes a decision regarding the alleged violation of the Student Conduct Code; and if the student is deemed responsible, determine sanctions. All decisions will be provided in writing to the complainant (if appropriate) and the responding student.
  2. Conduct Officer does not make a determination immediately, in order to consider the matter further. The Conduct Officer will notify the complainant (if appropriate) and the responding student of the decision in writing, within five (5) business days of the Campus Conduct Conference.
- c. If the student is found responsible for a violation, the student has the right to appeal. The complainant, if a student, may also have the right to appeal. See Section VII, Appeals.
2. When the alleged violation(s) of the Student Conduct Code may result in Removal from Housing, Suspension, or Expulsion, an investigative model will be utilized:
- a. The Office of Student Conduct will notify the student that he/she has allegedly violated the Student Conduct Code and provide a time no sooner than two (2) business days, in accordance with the student academic calendar, for a meeting with the Director of Student Conduct or designee. This notification will be in writing sent through University email. If the responding student fails to appear for this meeting, the investigative process will continue in the student's absence. The responding student is allowed to be accompanied by a support person (please refer to Support Person guidelines on page 16). At this time the investigative process will be explained. The following information will be provided to the student in writing:
    1. List of rights of a student involved in the conduct process (see Rights of Students Involved in the Student Conduct Code Process under this Section VI).
    2. Name(s) of the investigators assigned to the matter.
    3. Information regarding the investigative process.
  - b. An investigator will be appointed by the Director of Student Conduct or designee (The Director may serve as the investigator) to conduct the investigation. The investigator will make all reasonable attempts to gather all relevant information to determine whether or not the Code was violated, based on the preponderance of the evidence. This includes but not limited to: interviewing the complainant, applicable witnesses and physical evidence (ex. Screenshots, call logs, etc.).
  - c. At the conclusion of the investigation, the investigator will present his/her report to the Director of Student Conduct or designee. The report shall include (if applicable): summaries of interviews, statements from involved parties and witnesses, physical evidence (ex. Screenshots, call logs, etc.). Additionally, the report shall include recommendations regarding the finding of responsible or not responsible (based on a "Preponderance of the Evidence") and if applicable recommended sanctions.
  - d. After review of the report by the Director of Student Conduct or designee, the complainant and responding student will be notified simultaneously in writing through University email of the alleged conduct charges against the responding student. A date, time and location will be provided to both the complainant and the responding student no sooner than three (3) business days, in accordance with the student academic calendar, to meet to review the investigator's

report. The meetings are conducted individually. If the responding student fails to appear for his/her meeting, the Director of Student Conduct or designee may accept the investigator's recommendation that the responding student violated the Code and impose sanctions, if applicable; there will be no right to appeal and the case will be closed. Sanctions cannot be appealed.

- e. If the investigator recommends no violation occurred the complainant may submit an appeal based on the grounds articulated in the conduct code (see Appeals in Section, VII).
- f. At the meeting the responding student has/have the right to accept the recommended finding of responsible or not responsible.
  1. If the responding student accepts the investigator's recommended finding of either responsible or not responsible, the case is closed and the process is concluded with no rights to appeal.
  2. If the responding student (does not accept the investigator's recommended finding of responsible the investigation will be assigned to a review panel of two administrators. In this case, the responding student (and complainant where the claim involves stalking, dating/domestic violence or sexual misconduct) has/have three (3) business days to respond to the investigator's report. The response(s) shall be in writing and will be provided to the review panel.

The review panel will be utilized to issue a formal resolution on the incident(s). The review panel may take the following action:

1. Consult with the investigator for clarification in order to take action to resolve the matter(s).
2. Confirm the investigation and recommendations for findings and sanctions, if applicable. Sanctions are determined based on severity of the incident(s) and past conduct history.
3. Request further investigation by the same investigator.
4. Request a new investigation by a different investigator.
5. Determine findings do not support recommendations.

Once the review is complete, the review panel will provide its finding on responsibility and sanctions, if applicable, to the Director of Student Conduct or designee. The student respondent will be sent the finding in writing through University email. If the complaint involved stalking, dating/domestic violence, sexual misconduct, or certain violent crimes, the outcome will be shared simultaneously to the complainant and the responding student, in writing through University email.

The responding student (and complainant where the claim involves stalking, dating/domestic violence or sexual misconduct) has/have the right to appeal the outcome (see Appeals in Section, VII).

### **Right to Support Person**

A student may elect to be accompanied at all student conduct and investigation processes by a support person of his/her choice. A student should select a support person whose schedule allows attendance at the scheduled date and time for the meeting(s) because delays will not normally be allowed due to the scheduling conflicts of a support person. If a student elects to have an attorney present as their support person, it will be at the sole cost and expense of the student. The student must notify the Office of Student Conduct of who their support person is within one business day. Student conduct and/or investigative processes will not be scheduled based on a support person's availability.

The role of the support person in all cases is limited to supporting the student during the conduct and/or investigative process. The support person may not speak on behalf of the student, answer questions directed to the student and/or address or ask to other party's questions. At no time may the support person be a first hand witness to the incident(s) in question.

The student must direct all questions and/or concerns about any conduct and/or investigative process to the Conduct Officer or Investigator. Both the responding student and the complainant's support person(s) are strictly prohibited from speaking directly with any administrator involved in making a determination on the incident, outside of the conduct/investigative process.

### **Accommodations for Students with Disabilities**

The University is committed to providing appropriate accommodations to students with disabilities so that all students have meaningful access to all University programs and services, including the Student Conduct Process.

All students with disabilities who are involved in the Student Conduct Process, including complainants and responding students, support person(s), witnesses may seek accommodations for any stage of the Student Conduct Process and/or Investigative Process. Any student requesting an accommodation must do so far enough in advance to allow the request to be reviewed and an appropriate accommodation identified and implemented. Although there is no firm deadline beyond which an accommodation cannot be requested, the student will be held accountable for making any request in a timely fashion: the University may not be able to provide an accommodation which is not requested at least five working days before the accommodation is needed. Accordingly, each student seeking an accommodation is strongly encouraged to do so as early as possible in the Student Discipline Process.

A request for accommodation shall be made to the Director of Disability Services ("Director"). The request will be reviewed by the Director, who will apply appropriate legal standards and University policies and procedures to determine what accommodation, if any, is appropriate. The student will be given an opportunity to have an interactive role in the review process—i.e., to discuss the request with the Director—before the Director completes the review. The Director may require the student to provide appropriate documentation from qualified health care professionals to support the request. In addition, the Director, in her/his discretion, shall consult as appropriate with the Conduct Officer or the Associate Dean of Student Affairs or their designee, or other experts of the Director's choosing. The Director will make his/her determination in light of the student's particular disabilities and the nature of the Discipline Process, as informed by any consultations, relevant documentation and relevant previous accommodations provided to the student. The student will be given an explanation of the Director's determination.

If the student requesting accommodations disagrees with the Director's determination on reasonable accommodations, he/she may appeal the determination to the Office of Equal Opportunity and Outreach within five (5) working days of the Director's decision.

## **VII. APPEALS**

A responding student or in certain circumstances a complainant may appeal a decision, in writing, to the Office of Student Conduct. All appeals are due to the Office of Student Conduct within five (5) business days at 4pm, from date of notification of the outcome of the Campus Conduct Conference or review panel findings. Date of notification is day the letter is sent via University email. During the appeals process sanctions may remain in place. An appeal must specify grounds that would justify consideration. Appeals will only be accepted for review if based upon one or more of the following criteria:

1. If the student can demonstrate new and significant evidence that would substantially alter the findings of fact, not previously known to the appellant that has been discovered, and is newly available during the appeal process. The new evidence could not have been discovered through the exercise of reasonable diligence, and the absence of which was sufficient to materially affect the outcome.
2. If the student can demonstrate that significant procedural errors of the Code process occurred that were substantial enough to effectively and detrimentally affect the outcome.

The Dean of Student Affairs and Enrichment or designee will designate one staff person to coordinate the appeal. This designee will make a determination of whether or not the appeal has merit based on the above-stated criteria. If the appeal does not have merit, the findings and sanctions will stand with no further appeal, and the students will be notified in writing (and complainant if the claim involves stalking, dating/domestic violence or sexual misconduct or other violent crimes, subject to FERPA). If the appeal has merit, one of the following will occur:

1. If the case was heard by a Campus Conduct Conference the designee can take the following actions after reviewing the case:
  - a. Uphold the finding and sanctions. This decision will be delivered in writing. This decision is final and cannot be appealed.
  - b. In light of new and significant information that would substantially alter the findings of fact, the case will be referred for a new Campus Conduct Conference. The Conduct Officer selected will not be the original Conduct Officer. This decision will be delivered in writing. This decision is final and cannot be appealed.
  - c. In light of a failure to follow the procedures outlined herein, the case will be referred for a new Campus Conduct Conference. The Conduct Officer selected will not be the original Conduct Officer. This decision will be delivered in writing. This decision is final and cannot be appealed.
2. If the case was processed through the investigative model the designee can take one of the following actions after reviewing the case:
  - a. Uphold the findings and sanctions. This decision will be delivered in writing. This decision is final and cannot be appealed.
  - b. In light of new and significant information that would substantially alter the findings of fact, the investigation will be referred to a new review panel. The decision of the new review panel will be final and cannot be appealed.

- c. In light of a failure to follow the procedures outlined herein, the investigation will be referred to a new review panel. The decision of the new review panel will be final and cannot be appealed.

All decisions regarding the appeals will be delivered in writing through University email.

### **VIII. RECORDS AND CONFIDENTIALITY**

The Office of Student Conduct shall maintain the official disciplinary records and a disciplinary action tracking system, which shall include, but not be limited to, the student's name and related identifying information, applicable Student Conduct Code section(s), parties involved, description of the incident, sanction(s), expiration dates, agreements or restrictions, and any other data deemed relevant. Such record will be maintained for seven years after the completion of all sanctions; the exception to this would be an expulsion noted on the transcript.

**Student Conduct records and related information shall be made available to Conduct Officers and University personnel designated as necessary.**

Students may request, in writing, to review their own disciplinary records and related information by contacting the Office of Student Conduct. Except as provided in the Student Conduct Code, the University shall not communicate a student's disciplinary record and related information to any person or agency without prior written consent of the student or, when the student is a minor, the student's parents or legal guardian, except as required or permitted by law. If records are shared under guidance of law, personal identifiable information will be redacted as appropriate.

## **Appendix A**

### **UNIVERSITY OF MASSACHUSETTS LOWELL POLICIES REGARDING THE PRACTICE OF HAZING**

#### **HAZING POLICY**

The University of Massachusetts Lowell has a Zero Tolerance Policy for any/all types of Hazing. Hazing is defined as the following: As conduct or method of initiation into any student organization, whether on public or private property, which willfully or recklessly endangers the physical or mental health of any student or other persons. The implied or express consent of the victim will not be a defense. Apathy or acquiescence in the presence of hazing are not neutral acts; they are violations of this policy. Failure to report a potential violation of the hazing policy may result in action through the Student Conduct System. To report a potential violation of the hazing policy you can use the following methods:

- Office of Student Conduct
  - 1-978-934-5068
  - studentconduct@uml.edu
- Dean of Students Office
  - 1-978-934-2100
- University of Massachusetts Police Department
  - 1-978-934-2398
  - Anonymous tip line: 1-978-934-4213
- National toll-free anti-hazing hotline
  - 1-888-NOT-HAZE (1-888-668-4293)

#### **HAZING LAW**

Hazing is a violation of the Laws of Massachusetts please refers to Chapter 269 (sections 17-19) of General Laws as Amended January 5, 1988:

##### **Section 17.**

Whoever is a principal organizer or participant in the crime of hazing, as defined herein, shall be punished by a fine of not more than three thousand dollars or by imprisonment in a house of correction for not more than one year, or both such fine and imprisonment.

The term “hazing” as used in this section and in sections eighteen and nineteen, shall mean any conduct or method of initiation into any student organization, whether on public or private property, which willfully or recklessly endangers the physical or mental health of any student or other person. Such conduct shall include whipping, beating, branding, forced calisthenics, exposure to the weather, forced consumption of any food, liquor, beverage, drug or other substance, or any other brutal treatment or forced physical activity which is likely to adversely affect the physical health or safety of any such student or other person, or which subjects such student or other person to extreme mental stress, including extended deprivation of sleep or rest or extended isolation.

Notwithstanding any other provisions of the section to the contrary, consent shall not be available as a defense to any prosecution under this action.

**Section 18.**

Whoever knows that another person is the victim of hazing as defined in section fifteen and in seventeen and is at the scene of such crime shall, to the extent that such person can do so without danger or peril to himself or others, report such crime to an appropriate law enforcement official as soon as reasonable practicable. Whoever fails to report such crime shall be punished by a fine of not more than one thousand dollars.

**Section 19.**

Each institution of secondary education and each public and private institution of post-secondary education shall issue to every student group, student team or student organization which is part of such institution or is recognized by the institution to exist as an unaffiliated student group, student team or student organization, a copy of this section and sections seventeen and eighteen; provided however, that an institution's compliance with this section's requirements that an institution issue copies of this section and sections seventeen and eighteen to unaffiliated student groups, teams or organizations shall not constitute evidence of the institution's recognition or endorsement of said unaffiliated student groups, teams or organizations.

Each such group, team or organization shall distribute a copy of this section and sections seventeen and eighteen to each of its members, plebes, pledges or applicants for membership. It shall be the duty of each such group, team or organization, acting through its designated officer, to deliver annually, to the institution an attested acknowledgement stating that such group, team or organization has received a copy of this section and said sections seventeen and eighteen, that each of its members, plebes, pledges, or applicants has received a copy of sections seventeen and eighteen, and that such group, team or organization understands and agrees to comply with the provisions of this section and sections seventeen and eighteen.

**Doc. T93-116, as amended**  
**Passed by the BoT**  
**12/1/93**  
**Revised 11/10/99**  
**Revised 5/1/02**  
**Revised 3/19/08**  
**Revised 9/30/09**

**UNIVERSITY OF MASSACHUSETTS LOWELL**  
**ALCOHOL AND DRUG POLICY**

**Appendix B**

**PREAMBLE**

All students/employees at the University of Massachusetts Lowell are expected to abide by all Federal, State and local laws, including those regulating the use, possession, sale, distribution, manufacture and cultivation of illicit drugs and alcohol. In addition, Congress amended Title XII of the Higher Education Act of 1965 by adding a section pertaining to Drug Free Schools and Campuses. Under this new amendment any institution receiving federal funds, including federal student loan programs, must adopt and implement policies to prevent the use of illegal drugs and alcohol by students and employees.

Financial aid penalties for drug offenses: Beginning on July 1, 2000 the 1998 amendments to the Higher Education Act require the suspension of eligibility for financial aid for students convicted of drug related offenses. The length of suspension of eligibility is not less than one year and varies depending on the nature of the offense. Full details are available from the Office of Student Financial Assistance.

The University of Massachusetts Lowell is committed to promoting a climate which supports academic and personal growth and success and the well-being of all members of the academic community. To safeguard and promote a healthy academic and living environment, the University promulgates rules and regulations for the behavior of all members of the community. These are outlined in several major policy statements i.e., the student conduct code, the hazing policy, the alcohol and other drug policies, etc. Copies of these campus regulations are available on the web at: <http://www.uml.edu/dean/policies.html>

It is the responsibility of each member of this community to understand and comply with all campus rules and regulations. These regulations include all federal, state and local laws including the Drug Free Schools and Community Act of 1989, the Drug Free Workplace Act of 1988 and the Higher Education Act (as amended in 1998). As a member of the university community, it is your responsibility to know and abide by all campus rules and regulations, to understand the risks associated with the use and abuse of alcohol and other drugs, and to assist in creating an environment that promotes health-enhancing attitudes and activities.

The following definitions apply to the Drug and Alcohol Policies which follow:

Area under jurisdiction of the University includes all (1) property occupied, leased or used by the University; (2) property owned, occupied, leased or used by the University of Massachusetts Lowell Building Authority; and (3) property occupied or used by any other university-recognized organizations.

**Alcoholic Beverage** - any liquid intended for human consumption as a beverage and containing one or more of alcohol by volume at sixty degrees Fahrenheit

**Controlled substance** - any substance listed in schedules I. through V. of section 202 of the Controlled Substances Act (21 USC. 812).

**Conviction** - a finding of guilty (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or State criminal drug statutes;

**Employee** - elected or appointed officers or employees, including all members of the University faculty and staff whether serving full or part-time, temporary or permanent, compensated or uncompensated.

**Manufacture** - the production, preparation, propagation, compounding, conversion, or processing of a controlled substance.

**Possession** - the knowing or intentional possession of a controlled substance; having direct physical control over a controlled substance.

**Student** - all persons taking courses at the University, either full-time or part-time; pursuing undergraduate, graduate, or professional studies; persons who withdraw after allegedly violating the Student Conduct Code; persons who are not officially enrolled for a particular term but who have a continuing relationship with the University; persons who have been notified of their acceptance for admission; or persons who are living in University residence halls or apartments, although not enrolled in this institution.

**University** - the University of Massachusetts Lowell, all campuses and all leased space or space occupied with a permit or license for the conduct of University business.

**Organization** - all recognized student organizations, governments and groups of students; all faculty, staff and alumni organizations using areas under University jurisdiction and all non-University organizations requesting use of any University facilities.

**Authority** - these regulations are promulgated by the Trustees of the University pursuant to applicable provisions of Massachusetts General Laws, Chapter 15A, sections 10 (g).

## **UNIVERSITY OF MASSACHUSETTS LOWELL ALCOHOL POLICY**

### **A. GENERAL POLICY REGULATIONS**

Federal, state, Local and University Sanctions for the unlawful use, possession, distribution, sale, manufacture, or production of alcohol except as may be provided in the University of Massachusetts Lowell Alcoholic Beverage Policy (Attachment A hereto):

1. The University does not allow any person, group or organization to sell, dispense, produce or manufacture alcoholic beverages with the exception of those areas and/or events approved by the Chancellor.

2. The sale, giving, serving, or using of, alcoholic beverages to or by those under the legal age is prohibited by Massachusetts Law. Possession of alcoholic beverages by those under 21 years of age is prohibited by Massachusetts Law.
3. No person shall operate a motor vehicle while under the influence of alcohol.
4. No alcoholic beverages shall be sold, dispensed or delivered to a person who is known to be a drunkard, to be an intoxicated person or to a person who is known to have been intoxicated within the six months of the last proceeding.
5. No person under 21 years of age shall transport, purchase, sell, possess or receive alcoholic beverages unless accompanied by his/her parent or legal guardian except that a person who is 18-20 may transport or carry alcoholic beverages in the course of his/her bonafide employment in an establishment licensed to sell alcoholic beverages.
6. No person under 21 years of age shall use the liquor identification card of another, or furnish false identification in obtaining such a card, or alter or deface such a card.
7. No person shall supply their liquor identification card to someone under 21 years of age.
8. No person shall appear in a state of intoxication in a public place or disturb the peace in any manner while intoxicated.
9. Students who are found in violation of these stated prohibitions may be subject to arrest and conviction under the applicable criminal laws of the Commonwealth. Conviction can result in sanctions including probation, fines and imprisonment.
10. Students who are found to be in violation of these stated prohibitions are subject to discipline in accordance with the requirement of the University's Student Conduct Code and Judicial Process.
11. Employees found to be in violation of these stated prohibitions are subject to disciplinary action in accordance with any applicable bargaining agreements.

The above listed general policy regulations should not be considered as an exhaustive restatement of the pertinent Federal, State and local laws regarding the use of alcohol. All members of the University of Massachusetts Lowell community are expected to acquaint themselves with and abide by all laws governing the acquisition, possession, transportation, consumption and sale of alcoholic beverages.

**B. RESIDENCE HALL ALCOHOL POLICY** as in accordance with the laws of the Commonwealth, no alcoholic beverages shall be offered, gratuitously or for sale, to a person under the age of 21, either privately or at a group function, whether it is at an approved function or informal gathering in the residence halls. The possession, consumption or being in the presence, of alcoholic beverages in the residence halls by a person less than twenty-one years of age is prohibited.

1. Students under the age of 21 years are not permitted to possess, consume, or be in the presence of alcoholic beverages. A resident or guest who is of legal drinking age may possess and consume alcoholic beverages in the residence hall only in the privacy of the resident's own room or in the room of another resident who is of legal drinking age and who is present during the consumption. The door of the room must be kept closed. Alcohol and alcohol containers, including decorative bottles and

cans, whether empty or full are prohibited from Leitch and Fox Halls at all times. Behaviors committed under the influence of alcohol will be considered a violation of the Alcohol Policy.

2. The purchase or delivery of alcoholic beverages in the residence halls, gratuitously or for sale, to a person under the age of 21 is prohibited and shall constitute a major infraction of University regulations. Commercial deliveries of alcoholic beverages to the residence halls are prohibited.
3. Only residents of legal drinking age may bring alcoholic beverages into their own residence hall. At no time may a guest of any age or resident under the age of 21 bring alcoholic beverages into a residence hall. University Police or Residence Life staff will confiscate all alcohol in the possession of any guest or resident students under the age of 21 in public areas; in addition any open containers of alcohol will be confiscated regardless of age.
4. The possession or use of alcoholic beverage containers such as kegs, partial kegs, mini-kegs, punch bowls, beer balls or any common containers, whether partially full or empty, in any residence hall or grounds by anyone, whether of legal age or not, shall constitute a major infraction and will result in immediate removal from housing. The possession or use of funnels is strictly prohibited.
5. Beirut, Beer Pong, and other drinking games involving alcohol are expressly forbidden.
6. Upon request by University personnel (i.e. residence hall staff, University Police, administration personnel) residents must provide a valid form of identification upon entering a residence hall or while transporting or consuming alcoholic beverages within a building or on University grounds.
7. In the event that a resident or guest is deemed by University Police or Residence Life staff to be intoxicated, the resident and or guest will be asked to remain in the residence hall under host supervision until determination can be made that the intoxicated person(s) is in a safe condition. In addition, drunken disorderliness in any University building or grounds is prohibited and shall constitute a major infraction of University regulations. In a situation where a student is determined to be in an unhealthy state the University Police or Staff may call the parent or guardian to take custody of their student.
8. All persons are prohibited from drinking alcoholic beverages or having open or previously opened alcoholic beverage containers in all residence hall public areas, including hallways, stairwells, bathrooms, lounges, lobbies, and outside grounds including, stairs, lawns, roofs, parking lots, patios, etc.
9. Parties and gatherings where alcohol is present, informally or otherwise, are strictly prohibited in all residence halls. Any gatherings where more than two guests per occupant are present, and alcohol is present will constitute a party or gathering and may be disbanded by University Police or Residence Life staff. In these events, the alcohol will be confiscated regardless of the amount or age of the residents.
10. No more than 1 open container, cup, bottle or can may be present for each individual above the legal drinking age when in the presence of underage individuals in a room occupied by of age students. University staff will construe additional open containers in excess of the number of legal age individuals as consumption by minors.
11. Alcohol may not be stored or displayed in suite common areas unless all assigned occupants are of legal drinking age.

## C. HEALTH RISKS

Alcohol consumption causes a number of marked changes in behavior. Even low doses significantly impair the judgment and coordination required to drive a car safely, increasing the likelihood of an accident. Low to moderate doses of alcohol also increases the incidence of a variety of aggressive acts, including domestic violence and physical altercations. Moderate to high doses of alcohol cause marked impairment in high mental functions, severely altering a person's ability to learn and remember information. Very high doses cause respiratory depression and death. If combined with other depressants of the central nervous system, much lower doses of alcohol will produce the effects just described.

Repeated use of alcohol can lead to dependence. Sudden cessation of alcohol intake is likely to produce withdrawal symptoms, including severe anxiety, tremors, hallucinations and convulsions. Alcohol withdrawal can be life threatening. Long-term consumption of large quantities of alcohol, particularly when combined with poor nutrition, can also lead to permanent damage to vital organs such as the brain and liver. Mothers who drink alcohol during pregnancy may give birth to infants with fetal alcohol syndrome. These infants have irreversible physical abnormalities and mental retardation. In addition, research indicates that children of alcoholic parents are at greater risk than others of becoming alcoholics.

## D. SANCTIONS

### Alcohol Policy Violation Minimum Sanctions:

Violation	Sanctions
First time in the presence of:	<ul style="list-style-type: none"><li>■ Written Reprimand</li><li>■ Parental Notification</li><li>■ Completion of MSB Judicial Alcohol Module</li><li>■ \$25.00 fine<sup>1</sup>.</li></ul>
First use/possession/Second in presence:	<ul style="list-style-type: none"><li>■ Parental notification for students under 21.</li><li>■ MSB Judicial Alcohol Module (if not previously completed).</li><li>■ CHOICES Workshop</li><li>■ \$75.00 fine</li><li>■ Written reprimand.</li></ul>
Second use/possession/ subsequent in the presence of:	<ul style="list-style-type: none"><li>■ Parental notification for students under 21.</li><li>■ AOD 1</li><li>■ \$100.00 fine.</li><li>■ Probation without Restriction for a minimum of one academic year.</li></ul>
Subsequent use/possession	<ul style="list-style-type: none"><li>■ Parental notification for students under 21.</li><li>■ Removal from housing.</li><li>■ AOD 2</li><li>■ \$100.00 fine.</li><li>■ Probation with Restriction for a minimum of one academic year.</li></ul>

---

<sup>1</sup>Fines collected as sanctions are utilized for Wellness/Substance Education.

<b>Alcohol Violations Requiring Medical Intervention:</b>	<ul style="list-style-type: none"> <li>■ Parental notification for students under 21.</li> <li>■ CHOICES</li> <li>■ AOD I</li> <li>■ \$150.00 fine.</li> <li>■ Written reprimand.</li> </ul>
<b>Second alcohol violation requiring medical intervention</b>	<ul style="list-style-type: none"> <li>■ Parental notification or a meeting with student and parents based on the age of student and financial dependency</li> <li>■ Probation without restriction for 1 year.</li> <li>■ AOD 2</li> <li>■ \$100.00 fine.</li> </ul>
<b>Subsequent alcohol violation requiring medical intervention</b>	<ul style="list-style-type: none"> <li>■ Parental notification or a meeting with student and parents based on the age of student and financial dependency</li> <li>■ Removal from university housing.</li> <li>■ Probation with Restriction for 1 year.</li> <li>■ Enrollment in an Alcohol Treatment Program</li> </ul>
<b>Providing to Minors/Sale/Distribution:</b>	<ul style="list-style-type: none"> <li>■ Parental notification for students under 21.</li> <li>■ Sanctions ranging from Probation to Suspension or Expulsion.</li> <li>■ MSB Judicial Alcohol Module (if not previously completed).</li> <li>■ CHOICES Workshop</li> <li>■ \$75.00 fine</li> </ul>
<b>Decorative bottle sanctions:</b>	<ul style="list-style-type: none"> <li>■ Parental Notification for students under 21.</li> <li>■ Written Reprimand.</li> </ul>

\*Alcohol and Other Drug Education Program. Three options exist for Alcohol Offenses:

- The first option is an on-line program (MSB) taken by the student within a two week period.
- The second option is a workshop (CHOICES) taught by a Health Educator and Peer Educators.
- The third option (AOD 1 or 2) is an assessment meeting with either a UMASS Lowell staff counselor or an Addiction Specialist; this determination will be made by the Conduct Officer or the Associate Dean of Student Affairs or his designee.

## **E. REFERRAL/RESOURCES FOR ALCOHOL RELATED PROBLEMS**

Services and resources are available to all members of the University community to provide accurate information relating to alcohol, to support individual needs and to assist at crisis points. Listings of resources on campus are available by calling the Counseling Center (at 978-934-4331), University Health Services (at 978-934-4991), the Personnel Office (at 978-934-3555) or the Office of Student Services (at 978-934-2100).

In addition, individuals who wish to enroll in an alcohol rehabilitation program should check the University's insurance or their own insurance to verify if they are covered for these services.

## Appendix C

### UNIVERSITY OF MASSACHUSETTS LOWELL

#### Drug-Free Schools and Campuses Drug Policies and Regulations

Please see Appendix B for the University's Alcohol Policies and Regulations

No students shall knowingly sell, possess, manufacture, distribute or use on or off campus, substances defined by Federal or State law as illegal. Use/possession/sale/sharing of prescription medication that is not prescribed to a student is a violation of the Student Conduct Code, as well as a violation of the law. Additionally, the possession of drug paraphernalia is a violation of the Student Conduct Code. Paraphernalia is defined as any device used to use illegal drugs. This includes but not limited to: Bongs, Pipes, Rolling Papers, etc. It is the policy of the University of Massachusetts Lowell to maintain a drug free workplace. As a condition of employment, all University employees are required to follow this policy.

#### **Medical Marijuana Clause:**

Although Massachusetts law permits the use of medical marijuana, federal laws prohibit the use, possession, and/or cultivation of marijuana at educational institutions. Federal laws also require any institution of higher education which receives federal funding to have policies prohibiting the possession and use of marijuana on campus. The use, possession, or cultivation of marijuana for medical purposes is therefore not allowed in any University housing or on any other University property. The University will continue to enforce its current policies regarding controlled substances, and any students, faculty or employees who violate University policy prohibiting the use or possession of illegal drugs on campus, may be subject to disciplinary action.

#### **A. HEALTH RISKS**

Illegal drugs and misuse of controlled prescription drugs pose short and long-term health risks to the user. Categories of drugs include narcotics, barbiturates, stimulants, and hallucinogens (not to be confused with classes of drugs according to Commonwealth of Massachusetts Drug Laws). Not only is the drug risky, the route of administration or the way the drugs is taken into the body is also correlated with certain health risks.

Some drugs are smoked (marijuana, "crack", opium, "crank"). Smoking any substance, especially marijuana, is found to have a detrimental effect on the lungs and upper airway.

Other drugs are "snorted" or inhaled (cocaine, heroin, inhalants) leading to injury of the lining of the nose.

Many drugs are ingested and some drugs are injected under the skin (skin-popping). Drugs that are injected directly into a vein (main lining) include heroin, cocaine and morphine. Injecting drugs has severe risks of local infections, bacterial endocarditis, increased incidences of HIV and Hepatitis B and C. Permanent liver and kidney disease are possible outcomes of drug use. Scars or "track marks" are formed by repeated injections. Veins harden internally from repeated use.

Mind or mood altering drugs work in certain "pleasure" pathways of the brain by enhancing or altering chemicals called neurotransmitters. There can be permanent change in these pathways with heavy and prolonged use of cocaine. Street drugs are "cut" with often unknown and dangerous substances, which can make the user very ill or even cause death.

Short-term health risks of illegal drug use are: decreased judgment and perception, decreased mental alertness, reduced motor skill often leading to motor vehicle accidents and bodily injuries, increased risk taking and aberrant behavior.

Narcotics, especially heroin and morphine decrease the rate of respiration which may result in respiratory arrest then death, if not medically treated.

Stimulants (cocaine, amphetamines, methamphetamines) produce exhilaration. There is a surge of adrenaline resulting in an increase in blood pressure and pulse rate, causing blood vessels to constrict. These changes can cause strokes,

paralysis, heart attacks and death. These events can occur with the first or any subsequent use. The myth is that sexual activity is increased with cocaine use. The fact is that sexual activity is decreased with increased use of cocaine.

Hallucinogens produce and increase in sensor perception (visual and or auditory). There may be flashbacks from prior use of LSD and STP. Use of these drugs can result in short and long-term psychotic events. Deaths and serious injuries often happen to those under the influence of certain hallucinogens (LSD, STP and PCP). Drinking alcohol with substances, produces additive effects, making the alcohol and drugs more potent.

Certain tranquilizers, especially in high doses cause disturbances in cardiac conduction. Vomiting is always a threat in drug use. It can cause choking and ultimately death, because the person's reflexes are diminished. "Roofies" and Liquid Ecstasy produce sedation and loss of memory. When put into drinks, an unknowing victim becomes sedated and could be raped with no memory of the event.

Use of drugs during pregnancy has effects on the baby. Women who use cocaine and heroin during pregnancy have an increase in miscarriages. They give birth to babies addicted and usually of low birth weight. The infant must go through a difficult withdrawal. Long term effects in these children are not yet known.

Addiction is a major risk of using illegal and controlled prescription drugs. Heroin, codeine, opiates, barbiturates, and morphine are strongly physically addicting. Cocaine produces both physical and psychological addiction. Withdrawal from narcotics, barbiturates and cocaine is difficult and painful. Drug users often return to using drugs. Over time, the drug user usually suffers from malnutrition and a lowered immune system. He or she often becomes seriously ill requiring hospitalization from multiorgan failure, overwhelming infections, psychotic events, injuries from accidents, or drug-related violence.

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

In addition, Congress amended Title XII of the Higher Education Act of 1965 by adding a section pertaining to Drug Free Schools and Campuses. Under this and other newer amendments any institution receiving federal funds, including federal student loan programs, must adopt and implement policies to prevent the use of illegal drugs and alcohol by students and employees.

It is therefore, the University's responsibility to insure that every student/employee is aware of the following information:

## B. Sanctions

### Drug Policy Violation Minimum Sanctions:

<b>Violation</b>	<b>Sanctions</b>
<b>First use/possession/ presence/paraphernalia:</b>	<ul style="list-style-type: none"><li>■ Parental notification for students under 21.</li><li>■ MSB Judicial Drug Module (if not previously completed).</li><li>■ CHOICES Workshop</li><li>■ \$ 75.00 fine<sup>2</sup>.</li><li>■ Written reprimand.</li></ul>
<b>Second use/possession/ presence/paraphernalia:</b>	<ul style="list-style-type: none"><li>■ Parental notification for students under 21.</li><li>■ AOD 1</li><li>■ \$100.00 Fine</li><li>■ Probation with Restriction for a minimum of one academic year.</li><li>■ Removal from university housing.</li></ul>
<b>Subsequent use/possession/ Presence/paraphernalia:</b>	<ul style="list-style-type: none"><li>■ Parental notification for students under 21.</li><li>■ AOD 2</li><li>■ \$100.00 fine.</li><li>■ Suspension for a minimum of one academic year.</li></ul>
<b>Possession of an ounce or less of marijuana:</b>	<p>In accordance with Massachusetts State Law, all student found in possession of one ounce or less of marijuana,, who are not determined to have the intent to distribute, will be subject to a \$100 fine. Students who are 17 or under will be required to attend a substance education program as proscribed by the State Juvenile System.</p>
<b>Possession with intent to distribute/supply:</b>	<ul style="list-style-type: none"><li>■ Parental notification for students under 21.</li><li>■ AOD 1 or 2</li><li>■ \$100.00 fine.</li><li>■ Sanctions ranging from Suspension to Expulsion.</li></ul>
<b>Sale or distribution:</b>	<ul style="list-style-type: none"><li>■ Parental notification for students under 21.</li><li>■ AOD 1 or 2</li><li>■ \$100.00 fine.</li><li>■ Sanctions ranging from Suspension to Expulsion.</li></ul>

---

<sup>2</sup>Fines collected as sanctions are utilized for Wellness/Substance Education.

**\*Alcohol and Other Drug Education Program.** Three options exist for Drug Offenses:

- The first option is an on-line program (MSB) taken by the student within a two week period and a workshop (CHOICES) taught by a Health Educator and Peer Educators.
- The second option (AOD 1 or 2) is an assessment meeting with either a UMASS Lowell staff counselor or an Addiction Specialist; this determination will be made by the Conduct Officer or the Associate Dean of Student Affairs or his designee.
- A third option is another variation of the AOD Education Program, the program assigned to students who are 17 or under and have been found in possession of an ounce or less of marijuana. This program is administered through the Judiciary of the State of Massachusetts.

**C. Federal, State and Local Sanctions**—For unlawful use, possession, distribution, sale manufacture and cultivation of illicit drug. For specific sanctions please contact the authorities.

**D. Referrals/Resources for Drug-Related Problems**—Services and resources are available to all members of the University community, to provide accurate information relating to drugs and alcohol, to support individual needs and to assist at crisis points. Listings of resources on campus are available by calling the Counseling Center (978-934-4331), Student Health Services (978-934-4991) and the Human Resources Office (978-934-3555).

In addition, individuals who wish to enroll in drug abuse assistance and rehabilitation programs should check the University's insurance and their own insurance to verify if they are covered for these policies.

## **E. Definitions**

**University**—Area under jurisdiction of the University-includes all (1) property occupied, leased or used by the University; (2) property owned, occupied, leased or used by the University of Massachusetts Lowell; and (3) property occupied or used by any other university-recognized organization and all campuses and all leased space or space occupied with a user permit or license for the conduct of University business.

**Controlled Substance**—any substance in schedules I. through V. of section 202 of the Controlled Substances Act (21 U.S.C. 812);

**Conviction**—a finding of responsible (including a plea of no lo contender) or imposition of sentence, or both, by any discipline body charged with the responsibility to determine violations of the Federal or State criminal drug statutes.

**Employee**—elected or appointed officers or employees, including all members of the University faculty and staff whether serving full or part-time, temporary or permanent, compensated or uncompensated.

**Manufacture**—the production, preparation, propagation, compounding, conversion or processing of a controlled substance.

**Possession**—the knowing or intentional possession of a controlled substance; having direct physical control over a controlled substance.

**Student**—all persons taking courses at the University, either full-time or part-time; pursuing undergraduate, graduate, or professional studies; persons who withdraw after allegedly violating the Student Conduct Code; persons who are not officially enrolled for a particular term but who have a

continuing relationship with the University; persons who have been notified of their acceptance for admission; or persons who are living in University residence halls or apartments, although not enrolled in this institution.

## Appendix D

### UNIVERSITY OF MASSACHUSETTS

#### Guidelines for Responses to Demonstrations on University Property

The University of Massachusetts recognizes the rights of members of the University community to freedom of assembly and speech, and strongly believes in fostering discourse and the free exchange of ideas at the University. However, as a matter of law and University policy, these rights and interests are restricted, and must be exercised on University property in a manner consistent with the mission and operation of the University and the rights of other members of the University community. Accordingly, the University long ago adopted policies and procedures at each of its campuses which take into account these countervailing interests.

Nonetheless, some members of the University community on occasion have exceeded the bounds of appropriate expression during the course of demonstrations, by interfering in the educational activities and business of the University and with the rights of others. It is therefore desirable to re-affirm the importance of appropriate time, place and manner restrictions on demonstrations. Accordingly, and in order to provide further consistency in the application of the University policies to on-campus protests, the Office of the President is issuing the following guidelines for responding to demonstrations on University property.

- All campuses shall routinely and consistently apply the provisions of their respective codes of conduct and other relevant policies and procedures to on-campus demonstrations.
- The campuses shall take steps through appropriate procedures to hold demonstrators accountable for actions which violate University policies and regulations. Such improper actions include but are not limited to:
  - Material disruption of or interference with instructional activities, other University business and campus events;
  - Actual or threats of physical violence, or other forms of harassment, or destruction of University, other public or private property;
  - Interference with free entry to or exit from University facilities and free movement by individuals; and
  - Interference with the rights of other members of the University community to freedom of speech and assembly, and other rights.
- Demonstrations are limited to appropriate public forums, which do not include among other locations, facility and administrative offices, classrooms and other instructional facilities. (Public forums are locations which by tradition or policy are available for public assembly and speech – such as a student union lobby where students have traditionally gathered to debate issues.) to the extent that a public forum exists within a University building, any demonstrations within that forum shall take place only during the building's normal operating hours.
- Where appropriate, the University shall endeavor to maintain open lines of communication with demonstrators and to provide opportunities for discussion of matters in dispute so long as the demonstrators act consistent with University policy and the rights of others. However as a general rule the University shall not negotiate with individuals who occupy any University facility, or with

associated demonstrators, while any such occupation continues, and shall never negotiate within an occupied facility.

These guidelines are intended to support, not supplant, existing University policy. They apply to all members of the University community, including undergraduates, graduate students and employees as well as to guests and visitors. The guidelines should be implemented as consistently as possible, recognizing that special circumstances may on rare occasion require limited and judicious deviation from the guidelines.

## Appendix E

### UNIVERSITY OF MASSACHUSETTS LOWELL

#### Good Samaritan Policy

##### I. Policy Statement

Student health and safety are primary concerns of the University of Massachusetts Lowell community. Students may be reluctant to seek help in alcohol-related emergencies because of potential conduct consequences for themselves, the person in need of assistance, or the organization hosting the event where the situation occurs. Since these emergencies are potentially life threatening, UMass Lowell seeks to reduce barriers to seeking assistance. To this end, this Good Samaritan Policy has been developed.

##### II. Purpose

The Good Samaritan Policy represents the University's commitment to increasing the likelihood that community members will call for medical assistance when faced with an alcohol-related emergency. The policy also promotes education for individuals who receive emergency medical attention related to their own use of alcohol in order to reduce the likelihood of future occurrences.

##### III. Definitions

Signs of serious intoxication/impairment include:

- Inability to rouse the person with loud shouting or vigorous shaking
- Passed out
- Semi-conscious; person goes in/out of consciousness
- Slow (< 8 breaths/minute) or irregular breathing or lapses in breathing of 10 seconds or more
- Cold, clammy, or bluish skin
- Vomiting while passed out, not waking up after vomiting, or incoherent while vomiting

##### IV. Procedures

Students are expected to contact the University Police (978-934-2911 or \*2911) when they believe that assistance for an intoxicated/impaired person is needed on campus. Students should seek immediate help if any of the above signs are present, as they indicate a potentially life-threatening emergency. UMLPD will assist intoxicated/impaired individuals by facilitating transport to medical facilities or by taking other protective measures. In case of an off-campus medical emergency, students should call 911 for assistance by local police or medical professionals. If the intoxicated/impaired individual is located within a residence hall, a Resident Assistant (RA), Assistant Resident Director (ARD), Resident Director (RD), and/or Complex Director should also be notified after UMLPD is called. A severely intoxicated/impaired individual should never be left alone; therefore, at least one person should stay with the intoxicated/impaired individual while another person notifies the RA/ARD/RD/CC.

Whenever a student assists an intoxicated /impaired person in procuring the assistance of UMLPD, local or state police, residence life staff, or medical professionals, neither the intoxicated individual nor the individual who assists will be subject to formal university disciplinary actions for (1) being intoxicated or (2) having provided that person alcohol. (This protocol does not preclude disciplinary action regarding other violations of university standards, such as causing or threatening physical harm, sexual assault, damage to property, harassment, hazing, etc. Students should also be aware that this policy does not

prevent action by local and state authorities.) UMLPD and/or Residence Life staff will record names of intoxicated students to enable any follow-up that may be deemed necessary to ensure students well-being. Other information may also be as needed.

In order for this policy to apply, the intoxicated student(s) must agree to timely completion of recommended alcohol education activities, assessment, and/or treatment depending on the level of concern for student health and safety. In addition, if the student is under 21 years of age his/her parents will be notified. If the student does not follow these stipulations, she or he has violated the Good Samaritan Policy and is subject to the complete range of sanctions and penalties as outlined in the Student Code of Conduct and Disciplinary Process in the Student Handbook for an alcohol violation.

The Good Samaritan Policy may be used more than once. Students and organizations that help others seek medical assistance are not limited to one use of the Good Samaritan Policy, as they should always feel empowered to help those in need. However, serious or repeated incidents will prompt a higher degree of medical concern and formal response from the University which may include an intervention and/or conduct action.

Questions regarding the UMass Lowell Good Samaritan policy should be directed to the Dean of Students Office.