

AMHERST COLLEGE

2009-10 STUDENT HANDBOOK

In Brief

The complete *Handbook* can be found online at
<https://www.amherst.edu/campuslife/deanstudents/handbook>

The *Student Handbook* is an annual publication of the Amherst College Office of Public Affairs and was designed by Ania Wieckowski '03. The 2009–10 edition of the *Handbook* was edited by Gregory J. Campeau '11 with assistance from Samuel Masinter '04 and Katherine Duke '05.

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Student Handbook In Brief

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Preface

This is the abbreviated version of the *Student Handbook*, containing information about various offices that provide service to students. It also includes the entire Honor Code, as well as information on various other regulations and policies that apply to students. The full version of the *Student Handbook*, including additional information on other college offices, the student government, extra-curricular organizations and more regulations on topics such as residential life, is available at www.amherst.edu/campuslife/deanstudents/handbook.

All first-year students are advised to read the full version of the *Handbook* upon entrance to the college in order to make themselves familiar with the resources that are available to them and the policies that apply to them throughout their time at Amherst. Other students should consult the online *Handbook* when needed.

Ben Lieber
Dean of Students

Academic Calendar

- August 30 (*Sun.*) New Student Orientation begins.
- September 8 (*Tue.*) Fall semester classes begin.
- September 16 (*Wed.*) Last day for fall semester course changes.
- October 10–12 (*Sat.–Mon.*) Mid-semester break.
- October 23–25 (*Fri.–Sun.*) Homecoming Weekend.
- November 6–8 (*Fri.–Sun.*) Family Weekend.
- November 12–18 (*Thu.–Wed.*) Pre-registration for spring semester.
- November 21–29 (*Sat.–Sun.*) Thanksgiving recess.
- December 15 (*Tue.*) Last day of fall semester classes.
- December 18–22 (*Fri.–Tue.*) Fall semester examination period.
- December 23 (*Wed.*) Winter recess begins.
- January 25 (*Mon.*) Spring semester classes begin.
- February 3 (*Wed.*) Last day for spring semester course changes.
- March 13–21 (*Sat.–Sun.*) Spring recess.
- April 5–9 (*Mon.–Fri.*) Pre-registration for fall semester.
- May 7 (*Fri.*) Last day of spring semester classes.
- May 10–14 (*Mon.–Fri.*) Spring semester examination period.
- May 23 (*Sun.*) Commencement.

Calendar available online at
<https://amherst.edu/aboutamherst/news/calendar/glance>.

Student Services

Office of the Dean of Students

105 Converse Hall, 413-542-2337

The Office of the Dean of Students is concerned with the personal, ethical and intellectual growth of students and their general welfare. The office's responsibilities include providing academic, career, personal and social life counseling; developing and implementing support programs; administering the college's student residential and extracurricular resources; participating in the faculty and administrative formulation and evaluation of policies; and assuring that students' needs are considered in college decisions.

The deans, assistants and secretaries of the office are valuable sources of information on a wide range of topics. The office serves as a place for students to begin seeking assistance and answers to their questions related to college life. Most students would benefit from getting to know at least one member of the Office of the Dean of Students.

In making arrangements to talk with the deans, students may call or visit their offices and set up appointments with the staff members of their choice or with the first available member of the office. Those students who need to see a dean on fairly short notice and students who are unable, for one reason or another, to make appointments in advance should call or drop by the office. In most cases, students will be able to see a dean on short notice.

Throughout the academic year, a dean is on call 24 hours a day to handle urgent matters and emergencies. The dean on duty can be reached through the college switchboard (413-542-2250) or through Amherst College Campus Police (413-542-2111 for emergencies, 413-542-2291 for non-emergency business).

The Career Center

First Floor, College Hall, 413-542-2265

Career Center services include general career counseling, self-assessment and career exploration; graduate and professional school advising; job and internship information; study abroad advising; on-campus recruiting and company information sessions; national merit-based, Amherst College and direct apply fellowship support; workshops and seminars on career-related topics; and the Amherst Career Network, a database of alumni available for consultation. The Career Center also works in conjunction with the Five Colleges and other consortia to coordinate events such as law panels, international affairs events, career days in major U.S. cities and not-for-profit and study abroad fairs. Information on upcoming events is posted in *Career Columns* and on the Career Center Web page (www.amherst.edu/~careers). The Career Center is open from 8:30 a.m. to 4:30 p.m. weekdays and some evenings.

The Center for Community Engagement

Main Level, Keefe Campus Center, 413-542-5140

The Center for Community Engagement (CCE) brings together Amherst students, faculty, alumni and community partners to create opportunities for

students to engage the world around them. The CCE designs activities and programs, linked to Amherst courses and co-curricular opportunities, through which students learn the skills and knowledge to be effective public problem solvers. The CCE seeks to empower Amherst students to help build communities in which everyone thrives.

The CCE is open from 9 a.m. to 5 p.m. on weekdays. It is available to student groups as a meeting space evenings and weekends.

Office of Financial Aid

B-5 Converse Hall, 413-542-2296 or ext. 2781 (from on campus)

Students should consult the Office of Financial Aid on matters relating to: scholarships, loans and student employment, federal and state financial programs, veterans' affairs, general questions concerning financial problems and planning. Students should first read *Notes Concerning Your Financial Aid Award*, an online publication that contains official policy on financial aid at the college; it is available on the office's Web site.

Office of the Registrar

101 Converse Hall, 413-542-2226

This office maintains the academic records of the college. It should be consulted on matters relating to:

- course registration, course schedules, changes in courses
- online catalogs and course and examination schedules
- Five College Interchange courses
- transcripts
- transfer credits
- degree requirements
- verification of attendance
- student home address information
- choosing a major

Student Records

Access

The college maintains, for each student, educational records that are open to inspection by that student in accordance with the Family Educational Rights and Privacy Act (FERPA), Section 438 of Public Laws 90-247, Title IV, amended 88 Stat. 571-574, and with federal and state regulations. College policy permits the student to have specified information released to other people, but it otherwise restricts disclosure to include only school officials who have a legitimate educational interest in the contents of the record, to officers of the Federal Department of Education and to their state counterparts who supervise enforcement, and to authorized educational research agencies who monitor institutional educational enterprise. Such recipients are bound not to disclose any personally identifiable information from the records to unauthorized third parties.

A school official is any person employed by the College in an administrative, supervisory, academic or research, or support staff position; any person or company with whom the College has contracted (such as an attorney, auditor, or collection agent); any person serving on the College's Board of Trustees; or any student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks. A

school official has a "legitimate educational interest" if the official needs to review an educational record in order to fulfill his or her professional responsibility.

Availability

Generally, all educational records are available for inspection by students. Excepted are confidential recommendations filed before January 1975 or written after the student has waived his or her right to see the recommendation, medical and psychological counseling records, parents' financial statements (when submitted in confidence), personal faculty and staff files (available only to the authors), certain law enforcement records and current (postgraduate) employment records of former students. Where a record contains information concerning more than one student, the student wishing to see the file may see only that section relating to him- or herself.

Location

Offices maintaining portions of the student's educational record are Dean of Students, Financial Aid, Registrar, Comptroller, Counseling, Student Health Services, Physical Education, Computer Center, Public Affairs, Campus Police and (for records of non-current students) Archives. The Computer Center and Archives do not release information of record directly but only through the office responsible for transmitting data to them. Students having questions about information in any of these files should see the director of the office involved.

Copies

A student may obtain copies of his or her record in any of the appropriate offices as listed above. Request forms for release of transcripts are available in the Registrar's Office or on the Web. For the latter, visit www.amherst.edu/academic-life/registrar/transcripts and follow the instructions on that screen. Every request form must bear the student's signature and class year.

Inspection and Challenge of Records

To examine his or her record, a student should make an appointment with the appropriate officer. Official academic records are available for inspection in the Office of the Registrar. The general file, in the Office of the Dean of Students, may be examined in the presence of a dean. Any student who, upon reviewing any file, believes a portion of it to be inaccurate or inappropriate may either enter a statement of correction or seek to have the file emended. Should no informal agreement be reached by the student and the dean (or other officer) on the emendation, the student may submit a written request for a hearing in accordance with the procedures described in the Student Conduct and the Resolution of Grievances section.

A student may, of course, add to his or her general file at any time, and students are encouraged to do so, because comprehensive information can assist the deans in their capacity as advisers and in preparing recommendations for students when required.

Hearing Procedure

Any student who believes that his or her right to privacy or access to personal records has been in some way infringed upon may seek to have the situation redressed through the Dean's Office and through the Grievance Procedure, but also may seek redress through the office of the U.S. Department of Education

designated to review such cases. The Department has the authority to conduct a hearing where appropriate. Information on the Act and these procedures is available in the Office of the Dean of Students and from FERPA, Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue, SW Washington, DC 20202-5901.

Disclosure of Information

A record is kept of material requested or disclosed from the file other than that requested by the student or a school official. School officials will have access to those portions of a student's record that are necessary for them to fulfill their professional responsibilities. (This does not include access to medical or counseling records.) Information for other individuals or organizations will not be released without the express written permission of the student, except as allowed by the Act. Although the Act does provide that parents of dependent students may be permitted to inspect student files, Amherst College does not normally report academic information and grades to parents, and students are given copies of such material to forward.

Students are welcome to seek further information about their records from the dean. The college looks upon effective communication on these matters as an integral part of the educational process, and past conferences to review individual student records have proven to be worthwhile.

Directory Information

Certain information, classified as "directory information," is available for public consumption unless the student specifically directs that it be withheld. (The student should direct the dean of students not to disclose such information prior to the 14th calendar day of each semester. Former students should contact the Office of Public Affairs.) Public directory information, as defined by the act, includes the student's name, address, telephone number, e-mail address, date and place of birth, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degree and awards received and the most recent previous educational institution attended.

Student Health

The Counseling Center

30 Johnson Chapel, 413-542-2354

www.amherst.edu/~counscr, counscr@amherst.edu

The Counseling Center provides counseling and brief psychotherapy to Amherst College students on a voluntary and confidential basis. We are here to help students deal with dilemmas and personal problems so that you might have a more productive college experience.

Students come to the Counseling Center for many reasons, such as adjusting to college, personal or emotional concerns, relationship problems, family concerns, bothersome moods or simply a wish to know more about themselves. There is no commitment involved in an initial meeting, and sitting down with one of the counselors is often the best way to decide if counseling might be useful in your particular situation. We are a diverse group of therapists who are trained in ways of listening to and clarifying various life dilemmas.

We have found that a once-a-week schedule of sessions is usually most practical and helpful. Some students get what they need with one or two sessions; others

choose to continue longer. Overall, students typically meet with a counselor for an average of six to eight sessions. If the difficulty in question is beyond the Counseling Center's resources (for example, a problem that would be best addressed by a specialist or by more intensive or longer-term therapy than can be provided at the Center), then the Center can refer you to other sources of help.

Student Health Services

Keefe Health Center, 413-542-2266

The Keefe Health Center staff emphasizes prevention of disease and early intervention. They recognize the influence of physical, emotional, social and environmental factors on the student and incorporate these aspects into health care and educational programming. In addition to providing direct patient care, the professional staff plays an important liaison role with other campus departments and services.

The Center is open on weekdays from 8:30 a.m. to 5:30 p.m. when school is in session. Appointments are recommended and readily available, but walk-in care is also available for more acute medical problems, from 10 a.m. to 4 p.m. on Mondays and from 9 a.m. to 4 p.m. Tuesday through Friday.

When the Keefe Health Center is closed, outpatient walk-in care is available from 8 a.m. to midnight at University of Massachusetts Health Services. Transportation to University Health Services is provided by Amherst College Emergency Medical Services (ACEMS) and may be accessed by calling Campus Police at 413-542-2111.

Although students are not charged for Health Center visits, health insurance cards are requested at each visit in the event that laboratory tests, X-rays or other tests are necessary.

Religious Advisors and the Cadigan Center for Religious Life

Cadigan Center, 38 Woodside Ave., 413-542-8489

Jewish, Protestant and Roman Catholic religious advisors share in the guidance and counseling program of the college and organize campus religious activities and special events. Students of all religious traditions are encouraged to organize activities, and all religious groups, adjunct advisors and religious affiliates working with students are asked to register with the director for religious life. A chapel and meeting rooms in Chapin Hall are made available upon request.

In 1998, the college converted a former faculty residence, built in the modern style in 1967, into the Center for Religious Life. It contains the offices of the religious advisors, a large living room, a conference room and a kosher/halal kitchen. Student religious groups use the center for meetings and fellowship: weekly Jewish Sabbath gatherings, coffeehouses with poetry and music, Bible study, faculty lectures and Zen meditation, among other activities. The center is open Monday through Friday from 9 a.m. to 5 p.m. and may be reserved for additional times.

Resources for Gay and Lesbian Students

Rainbow Room, Morrow Dormitory Basement, 413-542-5114

The Rainbow Room, serves as the center for the resources that are available to gay, lesbian, bisexual and transgendered students on campus. It provides a meeting place for the Pride Alliance, the primary organization for gay, lesbian, bisexual and transgendered students and their allies. The Rainbow Room has a small library of books, periodicals and video materials. It is staffed by Pamela Stawasz, area coordinator, who is available to provide advice to organizations and to individuals, both on programming and on personal issues. She also serves as a referral source for off campus resources, such as the Stonewall Center at the University of Massachusetts.

Amherst College Police

Emergency Numbers

Campus Police should be notified in the event of an emergency; they can be reached at 413-542-2111. The emergency telephone number for the Town of Amherst is 911 from all phones. It will connect the caller to the police station, the fire department and the ambulance service. A handy reference list of emergency numbers is printed on page 1 of the campus phone directory.

Campus Police

The Campus Police Department is responsible for keeping the peace and enforcing public laws and college regulations. Although Campus Police performs many services, its main function is protecting the lives and property of members of and visitors to the college community. This is accomplished through the use of armed, radio-equipped officers who patrol the campus on foot, on bicycles and in cruisers.

The Campus Police Department is staffed by 13 full-time officers under the direction of the Chief of Campus Police. All campus police officers are sworn police officers and exercise full police powers on all properties owned and used by Amherst College.

Campus Police maintains offices in the Facilities/Services building, which is always open. The Campus Police dispatcher can be reached 24 hours a day, seven days a week, at the following numbers: **EMERGENCY—413-542-2111**, business line—413-542-2291.

Student Rights & Policies

Amherst College Honor Code

Preamble

Amherst College, as a place of teaching and learning dedicated to promoting intellectual and social growth in its students, depends for its effective operation on the personal concern of its members for each other and on the concern of all to maintain the community standards of conduct set forth in this statement. It is each student's responsibility to contribute to an environment of trust that protects the freedom of all to exchange ideas and to grow. Only in such trust and freedom will it be possible for students to live together and learn from one another.

Every student enjoys the right to full participation in the academic and social life of the college, regardless of race, color, religion, national origin, ethnic identification, age, political affiliation and/or belief, sexual orientation, gender, economic status or physical or mental disability. Any instance of failure to realize this expectation undermines the ability of the college to achieve its purposes and diminishes the educational experience of each of its members.

The Amherst College Honor Code consists of the Statement of Intellectual Responsibility, the Statement of Respect for Persons, the Statement of Freedom of Expression and Dissent and the Statement of Student Rights, given below. It is collectively shaped and upheld by students, faculty and staff. At least every fourth academic year, the College Council will review the current Honor Code and will propose a new Honor Code to the campus community. (A new Honor Code might contain no revisions of the current Honor Code.) The proposed new Honor Code will be voted on by students and, if it passes, by faculty. If it is not favored by the majorities of both, then the current Honor Code will stay in effect while the College Council reviews it again the following year, and will remain in effect until an alternative version is passed by majorities of both the students and the faculty.

Upon entering the college, each student will sign a pledge to abide by the Honor Code. The signing will be administered by the Dean of Students' Office. In signing this pledge, students acknowledge that they have read the Honor Code and understand their obligations to subscribe to its principles, to respect the rights of other members of the college community and to avoid behavior which violates the community standards embodied in it.

Any student's behavior alleged to violate the principles of the Honor Code, or rules of behavior elsewhere in the *Student Handbook* or in other documents of the college, will be thoroughly investigated in a manner that protects the rights of all parties to the issue. If, as a result of such an investigation, a student is charged with violation of the Honor Code or other documents referred to above, she or he is entitled to have the charge resolved through the adjudicatory process described below. When charges are upheld at the conclusion of this process, appropriate sanctions will be imposed.

Statement of Intellectual Responsibility

Every person's education is the product of his or her intellectual effort and participation in a process of critical exchange. Amherst College cannot educate those who are unwilling to submit their own work and ideas to critical assessment.

Nor can it tolerate those who interfere with the participation of others in the critical process. Therefore, the college considers it a violation of the requirements of intellectual responsibility to submit work that is not one's own or otherwise to subvert the conditions under which academic work is performed by oneself or by others.

Article 1. Student Responsibility

Section 1. In undertaking studies at Amherst College, every student agrees to abide by the above statement.

Section 2. Students shall receive a copy of the Statement of Intellectual Responsibility with their initial course schedule at the beginning of each semester. It is the responsibility of each student to read and understand this statement and to inquire as to its implications in his or her specific course.

Section 3. Orderly and honorable conduct of examinations is the individual and collective responsibility of the students concerned in accordance with the above statement and Article 2, Section 3, below.

Article 2. Faculty Responsibility

Section 1. Promotion of the aims of the Statement of Intellectual Responsibility is a general responsibility of the faculty.

Section 2. Every member of the faculty has a specific responsibility to explain the implications of the statement for each of his or her courses, including a specification of the conditions under which academic work in those courses is to be performed. At the beginning of each semester, members of the faculty will receive with their initial class lists a copy of the Statement of Intellectual Responsibility and a reminder of the duty to explain its implications in each course.

Section 3. Examinations shall not be proctored unless an instructor judges that the integrity of the assessment process is clearly threatened. An instructor may be present at examinations at appropriate times to answer questions.

Statement on Respect for Persons

Respect for the rights, dignity and integrity of others is essential for the well-being of a community. Actions by any persons which do not reflect such respect for others are damaging to each member of the community and hence damaging to Amherst College. Each member of the community should be free from interference, discrimination, intimidation, sexual harassment or disparagement in the classroom; the social, recreational and residential environment; or the work place. Any behavior which constitutes sexual harassment or other verbal or physical abuse of any member of the community for reasons that include but are not limited to race, color, religion, national origin, ethnic identification, age, political affiliation or belief, sexual orientation, gender, economic status or physical or mental disability will be regarded as a serious violation of the Honor Code, and anyone found guilty of such behavior will be disciplined. (The college's comprehensive Statements on Sexual Harassment, Consensual Sexual Relationships Between Faculty Members and Students and Sexual Assault appear as Appendix A to the Code of Student Conduct and Resolution of Grievances.)

Statement of Freedom of Expression and Dissent

Amherst College prizes and defends freedom of speech and dissent. It affirms the right of teachers and students to teach and learn, free from coercive force and intimidation and subject only to the constraints of reasoned discourse and peace-

ful conduct. It also recognizes that such freedoms and rights entail responsibility for one's actions. Thus, every student bears the responsibility to protect the rights of all to express their views so long as there is neither use nor threat of force nor interference with the rights of others. Demonstrated cases of disruption of classes (whether, for example, by the abridgement of free expression in a class or by obstructing access to the place in which the class normally meets) or similarly of other academic activities will be regarded as serious breaches of this Statement and community standards and will receive appropriate sanctions.

Statement of Rights

Subject to respect for the rights of others, every student enjoys the assurance of the full exercise of those rights expressed in the **Honor Code** and the preceding three **Statements**, including but not limited to the following specific rights:

- The right to engage in the free exchange of ideas.
- The right to protest and to dissent in a peaceable manner and to join with others in other nonviolent forms of common action.
- The right to complain of injustice and to bring grievances to the appropriate offices of the college without fear of retaliation.
- The right to attend functions and to utilize college facilities, subject to prescribed rules.
- The right to reasonable peace and quiet in residential and academic facilities and to an atmosphere conducive to work and study.
- The right to privacy in one's assigned room, subject to compliance with the college's regulations, and to the security of one's own property and property furnishing the common and public spaces at the college.
- The right, when participating in any aspect of life of the college or traveling among the Five Colleges, to be free from harassment for reasons of one's race, religion, national origin, ethnic identification, age, political affiliation and/or belief, sexual orientation, sex or physical disability.

The Discipline System

Teachers, students, administrators and staff will exercise their best will and seek to resolve disagreements as amicably or informally as possible. The Dean of Students' Office is available to help reach such informal resolutions. A disciplinary system exists for those situations and acts which will not, or cannot, be resolved through amicable discussion.

Each constituency in the college has access to a particular procedure for resolving violations of the **Honor Code** or other forms of grievance. All alleged violations of the **Honor Code** fall within the jurisdiction of the Dean for Student Conduct, who is appointed by the Dean of Students, and of the Committee on Discipline. If students believe their rights under the **Honor Code** have been violated by a faculty member, they should consult the Dean of Students or the Dean of the Faculty about the procedures for resolving their grievances. If they have complaints against members of the staff, they should consult the Dean of Students or the Director of Human Resources. (See the section of the *Student Handbook* titled **The Resolution of Student Grievances with Members of the Faculty** for additional details. The sections of this Code dealing with sexual harassment also provide guidance for a student who believes she or he has been harassed by a member of the faculty or the administration.)

In all instances when students are charged with violating community standards set forth in this **Code** or infringing on the rights of individual students, or other members of Amherst College, or members of the Five Colleges, the procedures set forth in this section of the **Code** will be used to investigate and resolve grievances.

All proceedings under the **Code** will be confidential to the extent practicable. Students should be aware that a federal statute requires the disclosure of serious crimes on campus. While the college will not disclose the name of a victim of a crime, the college may be required to reveal other information about the crime.

Jurisdiction

Amherst students have a responsibility to adhere to local, state and federal laws while on the campus. The college cannot protect Amherst students from the consequences of violations of local, state and federal law.

Amherst students are expected to adhere to the **Honor Code** whether they are on the campus; in the town of Amherst; attending classes or functions at Smith College, Mount Holyoke College, Hampshire College and the University of Massachusetts; traveling on a Five College bus; or participating in college activities, wherever these are held.

Amherst College has joined with Smith College, Mount Holyoke College, Hampshire College and the University of Massachusetts to form the Five Colleges. Amherst College students, when studying or visiting on the campus of one of the Five Colleges, will be subject, in addition to the standards set forth in this **Code**, to the regulations and procedures of that institution. (See the **Regulations and Procedures** section in the Five College Cooperation chapter in this *Handbook*.)

If a student is charged with a violation of the **Honor Code** in locations or situations specified in the foregoing paragraphs, college disciplinary proceedings may be initiated by a member of one of the constituent Five Colleges, by a member of Amherst College or by the Dean for Student Conduct.

If conduct which is or would be a violation of the **Honor Code** occurs in situations or locations other than those specifically named in this section or to persons other than those covered in this section, the Dean for Student Conduct may petition the Committee on Discipline to accept a complaint. In determining to do so, the Committee will follow the general guideline that jurisdiction will only be extended where the alleged violation appears to be of sufficient gravity to pose a threat to the college community or its members.

The college reserves the right to initiate or carry out its own disciplinary proceedings, regardless of the prospect or the pendency of civil or criminal proceedings, against a student accused of violating the **Honor Code**, even if legal sanctions have already been incurred, and whether or not the accused student participates in the college proceedings. An accused student who is also facing a criminal charge or the possibility of a criminal charge is advised to seek legal counsel before participating in any college proceedings.

A student who withdraws from the college in order to defend himself or herself in off-campus civil or criminal proceedings arising from events which are also the subject of a complaint being heard by the Committee on Discipline will not be allowed to re-enroll, pending the outcome of college disciplinary proceedings.

Resources

A student charged with a violation of the **Honor Code** or a student considering the initiation of charges against another student under the **Honor Code** may turn for consultation or advice to one or more of the following individuals and

College support systems: Dean of Students, Dean for Student Conduct, Class Deans, staff of the College Health Service or Counseling Service, Campus Police, The Director of the Office of Diversity and Inclusion, faculty, Area Coordinators, Resident Counselors, Disciplinary Advocates and Peer Advocates.

Students considering the initiation of a complaint against a member of the faculty or the administration or a member of the college staff may consult with, in addition to those enumerated above, the Dean of the Faculty and the Director of Human Resources respectively. Students considering the initiation of criminal charges against another student may consult with the Campus Police, the Town of Amherst Police or the office of the Hampshire County District Attorney, in addition to those potential advisers listed above.

Initiating a Complaint

Any member of Amherst College, including students, faculty, administrators, staff members and Campus Police Officers, or members of one of the constituent institutions of the Five Colleges, may bring a complaint against a student of the college through the Dean for Student Conduct.

Members of the college community who consider filing a complaint within the college's disciplinary system for a violation that could also be considered a felony under the law are urged to discuss the possibility for filing criminal charges through the Campus Police, the Town of Amherst Police or the Hampshire County District Attorney's Office.

It is in the interest of the college community that violations of the Code of Conduct be handled expeditiously. Any complaint should be initiated within 90 days after the alleged violation of the **Honor Code** occurs. However, in recognition that students or other members of the community may have valid motives that would inhibit the initiation of a complaint, the Dean for Student Conduct may extend the period for bringing a charge well beyond the normative 90-day framework. Examples of valid motives range from difficulties related to the calendar and absence from campus to the possible consequences of cases of sexual assault or harassment.

Examples of what constitute violations of the **Honor Code** will be found in **Appendix B** to the Code, in the statement on **Housing Regulations** and in the statement on **Fire Policy**.

The Dean for Student Conduct will assist the complainant to prepare a brief statement of the complaint, which must be signed by the complainant. The accused student will be given a copy of the complaint and may submit a response or answer to the complaint. The Dean for Student Conduct will investigate all complaints. In the course of an investigation, the Dean for Student Conduct will ordinarily interview the complainant, the accused student and any other person whose testimony may be useful to the process of determining the merit of the charge.

The Dean for Student Conduct will not accept a formal complaint on the basis of anonymous charges or anonymous evidence of alleged wrongdoing. Within 10 working days of the receipt of a complaint, the Dean for Student Conduct will make one of the following determinations:

1. There is no substance to the charge, in which case it will be dismissed, and the accused student is entitled to have any reference to the charges removed from the records of the college.
2. There is no dispute about the material facts of the case, but the act or acts committed by the accused student do not represent a violation of the

Honor Code. No formal action is warranted by the Dean for Student Conduct.

3. The complaint has merit, and all parties to the dispute agree about the material facts of the case. Therefore, a finding is warranted that the student accused has violated the **Honor Code**. Guided by the statement on **Penalties**, the Dean for Student Conduct, within 10 working days, will assess appropriate penalties, which may include warnings, fines, limitations on participation in college life, community service, probation, denial of campus residence and suspension from the college for no more than one semester. Any penalties resulting from this determination may be appealed to the President of the College, within 10 working days of receipt of the Dean's determination.
4. The complaint appears to have merit, but material facts of the case are disputed. Therefore, the case will be referred by the Dean for Student Conduct to the Committee on Discipline for adjudication.
5. The complaint has merit, and, whether or not there is a dispute about the material facts of the case, a finding that the accused student has violated the **Honor Code** as charged could result in a penalty greater than one semester suspension from the college. Therefore the case will be referred by the Dean for Student Conduct to the Committee on Discipline for adjudication.
6. The complaint, which the Dean for Student Conduct considers to involve exceptional circumstances, will be referred to the Committee on Discipline for adjudication.
7. The complaint alleges a violation of the **Statement on Intellectual Responsibility**, and it will be processed in accordance with the procedures set forth in the Academic Honesty section of this Code.

Complaints on Behalf of the College

As set out in the **Jurisdiction** section of this Code, or otherwise in the interests of the College, the Dean for Student Conduct may initiate a complaint and refer it to the Committee on Discipline for adjudication.

Mediation

In cases where parties to a dispute wish to settle their differences through mediation as an alternative to initiating formal proceeding with the Dean for Student Conduct, and when the Dean for Student Conduct concurs with this course of action, mediated negotiation may be attempted to resolve disputes. The agreed-upon terms of a mediated resolution will be incorporated in a statement which must be signed by the complainant, the responding student and the mediator. Mediation will be discontinued after 10 working days unless the parties and the Dean for Student Conduct agree, in writing, to continue. Failure of mediation will result in the matter reverting to the Dean for Student Conduct, who will then be guided by the options specified in **Initiating a Complaint**, above. The rules of confidentiality that apply to all proceedings under the Code apply equally to mediated negotiations and settlements. Students electing to resolve grievances through mediated dispute resolution should seek guidance from the Dean for Student Conduct, the Director of the Office of Diversity and Inclusion and/or other appropriate officers of the college and parties listed in **Resources**, above.

Adjudication Before the Committee on Discipline Membership on the Committee

The Committee will consist of two male and two female students and four members of the faculty. The Dean of Students will ordinarily serve as nonvoting Chair and as record-keeper. The Dean of Students may delegate this responsibility to a faculty member who has previously served on the Committee on Discipline when the dean has supervised or been involved in an investigation of the complaint at issue.

The Committee will elect one of these faculty members to serve as Committee Coordinator, who will establish the rotation of Committee members to hearing panels.

Each case will normally be heard by a panel of two faculty members and three student members. A panel may consist of one faculty member and two student members when a normal quorum is unavailable. In cases of alleged academic dishonesty, a student selected at random from the sophomore, junior or senior classes will replace one of the elected student members on the hearing panel.

The faculty members of the Committee on Discipline will be elected during a meeting of the faculty after nomination by the Committee of Six or after nomination from the floor. They will normally serve three-year terms and their terms, when possible, will be staggered so as to maintain continuity from year to year. When any faculty member of the Committee disqualifies himself or herself from hearing a case, or is disqualified for a conflict of interest, he or she will be replaced by a substitute appointed by the Committee of Six, if a substitution is required to maintain the quorum.

Student members of the Committee on Discipline will be chosen in an election conducted by the middle of the second semester of each academic year. The Committee on Discipline will oversee the following procedures:

1. An informational meeting or meetings will be held, to be attended by all potential candidates.
2. Each candidate will submit a nomination petition signed by no fewer than 10 students and a statement specifying his or her interest and qualifications for the position. These statements should be distributed to all students prior to the election.
3. The election will be conducted according to the procedures outlined in the Code of Elections. The two men and the two women candidates who receive the highest number of votes will be elected. If this procedure cannot be followed because of an insufficient number of candidates, then the College Council will appoint a student to any position unfilled by election.
4. If one of the elected students resigns, the College Council will appoint an alternate of the same gender. If a student substitute is required to maintain the quorum for a case, a substitute of the same gender will normally be appointed by the College Council, or, if necessary, by the Chair of the College Council.

Student members will begin their one-year term on July 1 of the year of their election.

At the beginning of each academic year, the Dean of Students, with the assistance of the Director of the Office of Diversity and Inclusion, will schedule training for all members of the Committee on Discipline in the special complexities of cases involving a violation of respect for persons, particularly of sexual or racial

harassment. In consultation with the Committee, the Dean of Students may, from time to time, schedule other such training to assist the Committee in considering issues raised by other categories of cases which have, or may, come before it.

Preparation for a Hearing

When a complaint against a student is referred to the Committee on Discipline, the Dean for Student Conduct will transmit to the Chair of the Committee all materials related to the charge.

Prior to a hearing before the Committee on Discipline the Dean for Student Conduct will acquaint the accused student and complainant with the procedures followed by the Committee on Discipline and will also inform them of their rights under these procedures. These rights are:

1. To a fair and unbiased hearing.
2. To receive a written statement of the complaint, any response or answer submitted by the accused student, a copy of the procedures of the Committee on Discipline, notice of the time and location of the hearing, a list of the members of the Committee who will hear the case and the name of the Chair. This information should normally be received at least seven calendar days in advance of any hearing, so that the accused student may prepare adequately for the hearing. The accused student may petition the Chair of the Committee for more time to prepare the student's case.
3. To select an adviser from the College community and to have that adviser present during the hearing. The advisers to the accused student and the complainant may assist them in preparing the case and provide support during the hearing. The advisers are present not to act as legal counsel, but to assist and support the students and to give advice to the students on procedural matters. A student who is or may be the subject of criminal proceedings arising from the events which are the subject of a complaint being heard by the Committee on Discipline may have present at the hearing legal counsel retained at the student's own expense. A student intending to be accompanied by an attorney must notify the Chair of the Committee on Discipline of that fact at least two working days prior to the hearing. The attorney will not be permitted to speak or participate directly in the hearing. If the accused is accompanied by an attorney, the complainant may also have legal counsel present at his or her own expense. The complainant's attorney also will not be permitted to speak or participate directly in the hearing. An attorney may be present to provide legal counsel for the Committee on Discipline at the discretion of the Chair. The Committee's attorney will not be permitted to speak or participate directly in the hearing. While the college will not provide legal representation for students, it routinely refers students who cannot afford to hire an attorney to local attorneys who may offer to represent those students on a pro bono or reduced-fee basis.
4. To have a hearing before the Committee as soon as practicable, consistent with the right to seven calendar days' advance notice.
5. To challenge any member of the Committee on Discipline on the basis of an actual or perceived interest in the outcome of the case. Prior acquaintance does not, in itself, constitute such "actual or perceived interest." The challenge must be submitted in writing within two working days after receiving the list of Committee members. The Dean of Students will rule on the challenge and, if the challenge is accepted, take appropriate steps to secure a replacement. If the Dean of Students serving as

Chair is challenged, then the matter will be referred to the President of the College to appoint a Chair for the hearing.

6. To be present at the hearing.
7. To call witnesses and present evidence, to hear and to question witnesses and to respond to all written testimony submitted. The Committee shall not consider evidence against a student unless the student has been advised of its content and source and given the opportunity to respond.
8. To be judged solely upon the evidence submitted during the formal hearing of the Committee on Discipline.
9. To submit an appeal for cause to the President of the College at the conclusion of the hearing before the Committee on Discipline.

The Hearing

The Chair will transmit a copy of the complete materials of the case to each member of the Committee on Discipline selected to participate in a hearing.

The Dean of Students or her or his designee or replacement, serving as nonvoting Chair of the Committee on Discipline, will preside in all hearings. The Chair will maintain decorum during hearings and will be the final arbiter in questions of procedure. Hearings shall be tape-recorded. The recording will be the official record of the hearing. The complainant and the accused student, should either wish to file an appeal, will have access to the recording or a transcript of the recording, if one exists, which remains the property of the college.

All proceedings under the Code will be confidential to the extent practicable. Participation of hearings before the Committee on Discipline by other members of the Amherst community will occur only when the accused student and the complainant agree to open the hearing and when the Dean of Students concurs. The Chair of the Committee on Discipline shall close an open hearing when he or she determines that the integrity of the hearing might be compromised by continued public participation.

The hearing will begin with a reading of the statement of the charges by the Chair of the Committee on Discipline. The Chair will then ask the complainant to present her or his case. The Chair will then ask the accused to respond to the charges.

The complainant and the accused student are responsible for presenting their own cases before the Committee on Discipline. The complainant and the accused student may consult with their advisers at any stage of the hearings, but those advisers cannot address the Committee or otherwise participate directly in the hearing.

Where a charge is brought on behalf of the college, a Campus Police officer, a member of the administration, a member of the college staff or, in some instances, a member of the faculty, or by a representative of one of the Five Colleges, the Disciplinary Hearing Officer, who is appointed by the Dean of Students, will serve as the complainant. In exceptional circumstances, the Dean of Student Conduct will direct the Disciplinary Hearing Officer to appear as the complainant with respect to the complaint of an individual student. In such cases, the student complainant must appear as a witness at the hearing.

The complainant and the accused student have the right to present witnesses, to question opposing witnesses, to present documentary and physical materials as evidence and to respond to such materials. The members of the Committee on Discipline may question witnesses and may request the presence of any member of the college community as a Committee witness. If witnesses are called by the Committee, the complainant and the accused student will be afforded the opportunity to question them. Students called to give testimony before the Committee

on Discipline are obliged to appear. A student called as a witness who fails to appear at the hearing may be charged with a violation of the Honor Code.

The burden of proof rests on the complainant or on the Disciplinary Hearing Officer if the Disciplinary Hearing Officer presents the case on behalf of the college. The Committee on Discipline may consider any testimony or evidence it has reason to believe is trustworthy and pertinent. The admission or exclusion of evidence is within the discretion of the Chair of the Committee on Discipline.

When the hearing has concluded the Committee on Discipline will withdraw and will determine by majority vote whether there has been a violation of the Honor Code or other offense as charged. The Committee's determination will be made on the basis of the preponderance of evidence, that is, whether the complainant demonstrated that it was more likely than not that the violation or offense occurred.

If the Committee determines that the accused student has not violated the Honor Code, the charge will be dismissed and the accused student is entitled to have any reference to the charges removed from the records of the college.

If the Committee determines that the accused student has violated the Honor Code, it will then determine what sanction to impose. The Committee will be guided by the statement of Penalties in the imposition of sanctions. At this stage in the proceeding, the Dean of Students will inform the Committee of the accused student's disciplinary record, if any. The Dean of Students will provide information about penalties imposed for similar violations arising in the past. This information will be used at the discretion of the Committee. A statement of the Committee's findings and sanctions will be prepared by the Chair of the Committee. After it has been approved by the Committee on Discipline, copies will be delivered to the accused student and to the complainant.

A copy of the finding will also be kept in a confidential file on the Honor Code in the Dean of Student's Office. This file will be accessible exclusively to the Dean of Students and, through him or her, to the members of the Committee on Discipline at such time as the Committee has determined that a student has committed another violation. The tape-recording of the hearing will be deposited in the same confidential file in which the other records of the case are kept. Unless the student accused of an offense requests otherwise, the Dean of Students will destroy all these records upon the student's graduation. After the elimination of personally identifiable information, the file will be available to the chair of any future committee charged with reviewing and making possible revisions of the Code. In addition, a permanent record of all cases with names of the parties removed will be maintained by the Dean of Students.

Academic Dishonesty

Since grading is the province of the instructor of any course, the possibility of imposing a course penalty necessarily involves the instructor in the process of deciding punishments in cases of demonstrated academic dishonesty. The Honor Code allows for two methods of handling a case of academic dishonesty, depending on the circumstances of the case:

1. In cases in which there is a clearly demonstrated infraction—that is, in which there is unambiguous and conclusive evidence of plagiarism or cheating and no disagreement on the facts of the case—the instructor will normally speak to the student and ascertain the circumstances of the incident. The instructor will then consult the Dean for Student Conduct, who will inform the instructor whether the student has been found guilty of previous acts of academic dishonesty. In the case of a first offense, the

instructor and the Dean for Student Conduct will confer about the appropriate penalty, and the Dean for Student Conduct will keep a record of the infraction and its resolution in a confidential judicial file that will be destroyed upon the student's graduation. If the student has committed a previous infraction, the Disciplinary Hearing Officer will present the new case to the Committee on Discipline for resolution, since the offense may warrant a penalty greater than one term's suspension.

2. In cases in which the instructor suspects that a student may have committed an act of academic dishonesty and, after speaking to the student, feels that adjudication is necessary to determine the student's guilt or innocence, the instructor will refer the case to the Dean for Student Conduct. In such instances, since the instructor and the student disagree on the facts of the case—that is, on whether an act of academic dishonesty occurred—the Dean for Student Conduct will send the case to the Committee on Discipline. In all cases in which the Committee on Discipline finds a student guilty of an act of academic dishonesty, the Committee will determine all penalties except for course penalties, which are imposed at the discretion of the instructor. The recommended penalty for an act of academic dishonesty, whether or not it is adjudicated by the Committee on Discipline, is failure in the course.

All faculty members are strongly encouraged to discuss suspected instances of academic dishonesty with the Dean for Student Conduct in order to help ensure that a student who commits an act of academic dishonesty is effectively deterred from doing so again. Faculty members are also encouraged to discuss these procedures with the Dean for Student Conduct if they have any questions about them. In cases adjudicated before the Committee on Discipline, a faculty member may request the Dean of Students to appoint a Disciplinary Hearing Officer to serve as the complainant on the faculty member's behalf. In such instances, the faculty member must appear as a witness at the hearing.

Penalties

The Dean for Student Conduct or the Committee on Discipline hears all cases involving violations or alleged violations of the **Honor Code**, and only they are empowered to impose penalties upon persons found to have violated provisions of the **Code**. The only exceptions shall be: (1) in cases of academic dishonesty in which the instructor is responsible for imposing a course penalty, and (2) in cases in which the Dean of Students is convinced that a student might pose a physical danger to a member of the college community. In the latter case, the Dean of Students may either have a student removed from, or prevent his or her access to, a college building or residence or the campus itself. The President shall appoint a substitute Chair for the Committee on Discipline, and the Dean of Students, who will act as the complainant, must bring the case against the student before the Committee within one week of denial of access to, or removal from, any of the college premises.

A student found to have violated the **Honor Code** is subject to one or more of the following penalties, depending on the nature of the violation and of his or her prior disciplinary record:

Warning: A written admonition which will be considered in determining penalties if future violations occur.

Fines: These may be assigned for minor infractions of the **Honor Code** when appropriate. They may also be used in cases of damage to college or personal

property, but in cases of serious and/or repeated acts of destruction or vandalism, the imposition of fines must be combined with other disciplinary penalties.

Limitations on Participation: A student may be penalized by being barred from participating in intramural or intercollegiate athletics, Room Draw, eating at Valentine and/or other college activities.

Community Service and Other Alternatives: The Dean for Student Conduct or the Committee on Discipline can impose particular forms of community work, on or off campus, and a number of hours to be worked. The Dean for Student Conduct will be responsible for supervising the student's implementation of the community service. The Dean for Student Conduct or the Committee on Discipline, may also require attendance, when appropriate, at drug or alcohol workshops or other similar programs suitable to the nature of the infraction.

Disciplinary Probation: This consists of a warning in writing which specifies that further infractions of the **Honor Code** during a student's time at Amherst will, in most instances, lead to suspension, dismissal or, in very serious cases, expulsion from the college. A student on disciplinary probation may be barred from some or all extracurricular activities for a defined period. This penalty may be strengthened, at the discretion of the Committee on Discipline, by recording it on the student's transcript, but normally it will only be part of a student's disciplinary record and can be disclosed in response to requests for information only with the student's consent.

Course Penalties: Acts of cheating, plagiarism or other forms of academic dishonesty should result in a student's receiving a failing grade. The recommended penalty for an act of academic dishonesty is failure for the course, though grade penalties are always imposed solely at the discretion of the instructor. All such acts will be part of the student's disciplinary record in the Dean of Students Office official record and may, at the judgment of the Committee on Discipline, be recorded on the student's transcript. The Committee on Discipline or the Dean for Student Conduct may impose other penalties as well—from disciplinary probation to expulsion, depending on the seriousness of the offense and the student's previous record.

Denial of Residence on Campus: A student who violates standards of conduct associated especially with residential and/or social life at the college or involving respect for persons, or who is found to have engaged in sexual harassment, may be required to vacate his or her residence and be denied permission to live on campus, either for a specified time or permanently. Other penalties may be imposed as well, but if residential denial is the only penalty, the student will continue to be enrolled as a degree candidate and will be allowed to attend all academic exercises.

Suspension: The rights and privileges of being a student at Amherst College may be suspended for a specific period of time, the minimum of which will be to the end of the current semester. The student must leave the campus and may return at the end of the period of suspension without petitioning for readmission.

Withholding of Degree: In disciplinary cases involving second-semester seniors when probation or suspension might otherwise be imposed, the college may withhold the student's Amherst College degree for a specified period of time. When this occurs, the student is permitted to remain on campus to complete the requirements for the degree, although its award will be delayed. At the discretion of the Committee on Discipline, this penalty may be recorded on the student's transcript.

Dismissal: A student may be required to leave the campus for at least one semester and must petition for readmission at the end of that time. The student may be required to fulfill particular obligations while away from the college and to provide evidence of having done so, along with evidence of his/her readiness to return to Amherst and to meet its standards of conduct.

Expulsion: This means the permanent termination of student and degree-candidate status at Amherst College. It may be imposed only in the most serious of cases, or when a student has been dismissed previously and commits another offense judged to be worthy of a second dismissal.

Any student found under the provisions of this Code to have committed violence against another person will normally be dismissed from the college for a period no shorter than one semester and will have recorded on his or her transcript the fact and the length of the dismissal. Those who threaten violence, or otherwise seek to intimidate others, depending upon the circumstances of the individual case, may have equally severe or more severe penalties imposed upon them.

Repeated minor violations may require penalties of probation or higher.

Appeal

Either the accused student or the complainant may appeal a decision of the Committee on Discipline to the President of the College on the following grounds: bias on the part of Committee members, procedural error, the inappropriateness of the sanction or the discovery of substantive new evidence which was not available at the time of the hearing. The accused or the complainant must submit a written statement of appeal to the President, which must state the grounds and reason for the appeal, within 10 working days of his or her receipt of the finding of the Committee on Discipline if the appeal is based on bias, procedural error or severity of penalty, or as soon as practicable if the appeal is based on new evidence.

Upon receipt of the statement of appeal, the President will review the official record of the Committee's proceeding and other materials bearing on the case. The President may interview the parties to the dispute. The President may refer the case back to the original panel with instructions or she or he may direct that the case should be reviewed or reheard by a different panel of the Committee on Discipline, consisting of two faculty members, one of whom will act as Chair, and one student. In either case, the panel of the Committee on Discipline will report its finding and recommendations to the President who will resolve the appeal. There will be no appeal beyond the President of the College.

Interpretation

Any question of interpretation regarding the Honor Code will be referred to the Dean of Students or his or her designee for final determination.

Records

Normally only suspension, dismissal and expulsion are recorded on a student's transcript. However, as an additional form of penalty, the Committee on Discipline may record on the transcript a penalty other than suspension, dismissal or expulsion. Otherwise, a student's disciplinary record is confidential, and, except as otherwise provided by the Family Educational Rights and Privacy Act, no information from this record will be released without a student's consent, and the college will respond to requests for information about a student's disciplinary

record by explaining its policy of treating as confidential the existence of such information as well as the specific information itself.

Reports

The Dean for Student Conduct or the Dean of Students shall make annual reports to the Committee on Discipline and to the faculty summarizing the nature and number of complaints, whether these were settled with or without hearing and the disposition of cases arranged in some form of useful categories—either by penalties assigned, by the nature of the infraction, or under some other heading.

Adopted by Faculty vote, March 3, 1998

Appendices

Appendix A: College Council Statement on Sexual Harassment Sexual Harassment

Amherst College is committed to establishing and maintaining an environment free of all forms of harassment. Sexual harassment breaches the trust that is expected and required in order for members of an educational community to be free to learn and work. It is a form of discrimination, because it unjustly deprives a person of equal treatment. Sexual harassment can injure anyone who is subjected to it, regardless of gender or sexual orientation.

The college's policy on sexual harassment is directed toward behavior and does not purport to regulate beliefs, attitudes or feelings. It is based on federal and state law, which prohibit certain specific forms of sexual harassment; on the college's Statement on Respect for Persons, which requires that a person's sex and sexual orientation be treated with respect; and on the following statement on sexual harassment passed by the Faculty on May 23, 1985:

Unwelcome sexual advances, requests for sexual favors and other unwelcome verbal or physical conduct of a sexual nature constitute sexual harassment when: (1) submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment, academic work or participation in social or extracurricular activities; (2) submission to or rejection of such conduct by an individual is used as the basis for decisions affecting the individual; or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or demeaning working, academic or social environment.

The college believes that sexual harassment, besides being intrinsically harmful and illegal, also corrupts the integrity of the educational process.

Because it is possible for one person to act unintentionally in a manner that sexually harasses another, it is imperative that all members of the college community understand what kinds of behavior constitute sexual harassment. Hence, we provide here a general description of sexual harassment.

Sexual harassment occurs when one person attempts to coerce another into a sexual relationship or to punish a refusal to respond or comply with sexual advances. Attempts to subject a person to unwanted attention of a sexual character, sexual slurs or derogatory language directed at another person's sexuality or gender also can be forms of sexual harassment. Thus, sexual harassment can include a wide range of behavior, from the actual coercing of sexual relations to the forcing of sexual attentions, verbal or physical, on a nonconsenting individual. It is also possible that sexual harassment can occur unintentionally when

behavior of a sexual nature has the effect of creating a hostile environment. In some cases, sexual harassment is obvious and may involve an overt action, a threat or reprisal. In other instances, sexual harassment is subtle and indirect, with a coercive aspect that is unstated.

Sexual harassment also occurs when a position of authority is used to threaten the imposition of penalty or the withholding of benefit unless sexual favors are granted, whether or not the threat is carried out. Sexual harassment, when it exploits the authority the institution gives its employees, or otherwise compromises the boundary between personal and professional roles, is an abuse of the power the college entrusts to them. The potential for sexual harassment exists in any sexual relationship between a student and a member of the faculty, administration or staff. Anyone in a position of authority should thoroughly understand the potential for coercion in sexual relationships between persons who are professionally affiliated. These relationships may involve persons in a position of authority over their colleagues (e.g., tenured faculty and nontenured faculty; administrators and staff), or they may involve those who teach, advise or supervise students.

Sexual harassment also takes on the form of unwanted attention among peers. Sexual harassment by peers may have the purpose or effect of creating an intimidating, hostile or demeaning environment. Sexual harassment by peers can occur between strangers, casual acquaintances, hall-mates and even friends.

Because sexual harassment is a direct violation of the college's **Statement on Respect for Persons**, Amherst College will seriously and thoroughly investigate any complaints of sexual harassment and will discipline those found guilty. Any student who believes she or he may be the victim of sexual harassment by a member of the faculty should consult for further information about grievance procedures **The Resolution of Student Grievances with Members of the Faculty**, which appears in the *Student Handbook* as the section following the **Honor Code**. Any student who believes she or he may be the victim of sexual harassment by a peer should consult the section of the **Honor Code** titled **Initiating a Complaint**.

Consensual Sexual Relationships Between Faculty Members and Students

Experience has shown that consensual sexual relationships between faculty members and students can lead to harassment. Faculty members should understand the potential for coercion in sexual relationships with students with whom the faculty members also have instructional, advisory or supervisory relationships.

Even when such relationships do not lead to harassment, they can compromise the integrity of the educational process. The objectivity of evaluations which occur in making recommendations or assigning grades, honors and fellowships may be called into question when a faculty member involved in those functions has or has had a sexual relationship with a student.

For those reasons, the college does not condone, and in fact strongly discourages, consensual sexual relationships between faculty members and students. The college requires a faculty member to remove himself or herself from any supervisory, evaluative, advisory or other pedagogical role involving a student with whom he or she has had or currently has a sexual relationship. Since the absence of this person may deprive the student of educational, advising or career opportunities, both parties should be mindful of the potential costs to the student before entering into a sexual relationship.

In cases in which it proves necessary, the Dean of Faculty, in consultation with the Dean of Students and the Chair (or Head) of the relevant department, will evaluate the student's situation and take measures to prevent deprivation of educational and advising opportunities. The appropriate officers of the college will

have the authority to make exceptions to normal academic rules and policies that are warranted by the circumstances.

Approved by the Faculty, Dec. 1, 1992

Seeking Redress in Cases of Sexual Harassment

A student who believes he or she has been harassed may choose to consult a trusted Resident Counselor, a dean or other member of the administration, a member of the faculty, one of the religious advisors at the college or a staff member of the Counseling Center.

Informal consultation is entirely optional; it has as its goal to consider what constitutes sexual harassment and to review the individual's experience. It also includes exploration of the alternatives, both formal and informal, available to the student and offers support in implementing his or her decisions.

A student who does not wish or require the assistance of informal consultation may proceed directly with filing a complaint. The student may do so by notifying the Dean for Student Conduct if a student is alleged to be the harasser, or the Dean of Faculty if the allegation is against a faculty member, or the Director of the Office of Diversity and Inclusion if the allegation is against a member of the staff. Once the complaint is formally made, subsequent steps are governed by the usual procedures of the grievance or disciplinary systems involved. These procedures are listed in the *Student Handbook*, the *Faculty Handbook* or the *Trustee-Appointed Administrative and Professional Handbook*.

Sexual Assault

The college has established a prescribed procedure to assist and support victims of rape or sexual assaults. Campus Police will assist students in obtaining medical counseling and police services.

Students are encouraged to report **immediately** any incidents of this nature via the Campus Emergency line (413-542-2111), even if they do not wish to pursue the matter further. Students are urged to keep in mind that an assailant who is allowed to go unpunished is a potential future danger, not only to the initial victim but also to other members of the community. Under certain circumstances, the college may be legally obligated to pursue these situations, if the names of the parties involved are disclosed to staff members who are not legally granted the privilege of confidentiality. Students should consult the *Sexual Assault Resource Book* for a complete list of both confidential and nonconfidential reporting contacts.

If students are victims of rape or sexual assault by strangers or acquaintances, they will be encouraged to use all available support services:

- Dean on Duty (members of the Dean of Students' Office, available 24 hours a day, including a trained sexual harassment educator/resource person)
- Everywoman's Center, 413-545-0800, which provides confidential crisis counseling 24 hours a day relating to rape or sexual assault
- Amherst College Health Services, 413-542-2266
- Counseling Center 413-542-2354 (available during regular office hours and on an emergency basis through the Dean on Duty)
- Victim's Witness Program, 413-586-9225, accessible (through the District Attorney's Office, Northampton) to victims of rape or sexual assault who are going through the court process
- Sexual Assault Counselor Gretchen Krull can be reached through the Dean on Duty or Campus Police, or at 413-542-8180 during business hours

Peer Advocates of Sexual Respect, 413-542-7618, are students trained in crisis intervention and referral to medical and legal resources.

The college offers educational programs on rape, sexual assault and sexual harassment through Gretchen Krull, health education specialist, and her assistant. They are located in the Keefe Health Center, and their phone numbers are 413-542-8180 and 413-542-7916, respectively. They are both available to students for individual consultation and referral.

The college may impose the full range of disciplinary sanctions, up to and including expulsion, on students who are found guilty of having committed infractions involving sexual harassment, sexual assault, rape or other sex offenses. Students who are considering bringing such charges should speak with Dean Frances Tuleja, the dean for student conduct. Her office is 105 Converse Hall, and her phone number is 413-542-2337. As specified in the **Honor Code**, in cases involving charges of sexual assault, as in all cases brought to a hearing before the Committee on Discipline, both the accuser and the accused are entitled to bring with them one member of the College community as an advisor, and both the accuser and the accused will be notified of the outcome of the campus disciplinary proceeding. Students who request assistance in changing their academic or living situations after an incident of sexual assault will receive such assistance if these changes are reasonably available. Students seeking academic assistance should speak with their class deans; students seeking changes in their housing should speak with Dean Torin Moore, the director of residential life.

Appendix B: Examples of Violations to the Honor Code

The following sections were voted by the College Council. The material in them is intended to be illustrative and advisory and does not have the status of legislation passed by the faculty.

Any of the following acts can constitute a violation of the **Honor Code** and of the standards designed to assure individuals at the college the full enjoyment of their rights. The violations listed here are intended to be illustrative rather than exhaustive.

1. Disruption or obstruction of teaching, research, administration, disciplinary proceedings or other college activities or disruption or interference with the exercise by members of the college community of their rights under the Statement of Freedom of Expression and Dissent.
2. Physical or verbal threats which intimidate any person or which result in limiting his/her full access to all aspects of life of the college.
3. Activity which constitutes sexual harassment of another person (see above); or involves harassment of a person for reasons of his/her gender, sexual orientation, race, religion, national origin or physical disability.
4. Academic dishonesty such as cheating, plagiarism or any misrepresentation of classroom, laboratory or other course-related work.
5. Refusing to appear or giving false testimony when one is asked to present evidence in any case involving the **Honor Code**.
6. Abuse of equipment, or disregard for the rules governing the use of or access to the Library, the Computer Center, the Dining Services or other facilities and services for which specific restrictions have been established and made public.
7. Theft or other abuse of computer time, including but not limited to:
 - a. Unauthorized entry into a file, to use, read or change the contents, or for any other purpose.

- b. Unauthorized transfer of a file.
 - c. Unauthorized use of another individual's identification and password.
 - d. Use of computer facilities to interfere with the work of another student, faculty member or college official.
 - e. Use of computing facilities to send obscene or abusive messages.
 - f. Use of computing facilities to interfere with normal operation of the college computing system.
8. Causing physical damage to the buildings or furnishings of the college.
 9. Theft or attempted theft of personal or college property.
 10. Possession or distribution of firearms, ammunitions or explosives, or of other harmful weapons.
 11. The possession, distribution or sale of illegal drugs.
 12. Altering, forging or contributing to fraudulent use of college transcripts, identification (IDs) or other official records; forging the signature of an advisor on a program or change of program form.
 13. Knowingly giving false information, or refusing to identify oneself or to present college identification to campus security personnel or to other authorized college personnel.
 14. Driving a car on campus while intoxicated.
 15. Fire policy violations, including but not limited to discharge of fire extinguishers, possession or discharge of fireworks, false fire alarm or tampering with a smoke detector.
 16. Violation of the Commonwealth of Massachusetts law prohibiting the practice of hazing (see section on hazing).
 17. Violation of the Trustees' Resolution on Fraternities (see section on fraternities).
 18. Violation of any regulations governing the use of college housing, as specified in the section on "Housing Regulations." Potential violations include, but are not limited to, damage to individual rooms or common area; violation of prohibition on pets in residence halls; violation of prohibition on dropping or throwing objects from windows.

Alcohol and Drugs

Students are reminded that Massachusetts law prohibits the purchase or consumption of alcoholic beverages by those under the age of 21. They should also understand that the courts of the Commonwealth have recently treated public drunkenness, especially when driving a motor vehicle, as a crime potentially subject to heavy fine and to jail or prison sentence. The purchase, sale or consumption of many drugs is also prohibited by law, and violation can result in prison sentence.

While the college need not act as an agent for the civil authorities, it will regard any student under the influence of intoxicants or drugs as fully responsible for his/her acts. All provisions of the Code of Conduct, including the full range of possible penalties, will be applicable in these cases. A plea of mitigating circumstances due to the consumption of alcohol or drugs will not be accepted in disciplinary hearings.

The college will impose the full range of disciplinary sanctions, from warning to expulsion, on students who violate standards of conduct associated with the unlawful possession, use or distribution of drugs and alcohol.

The Resolution of Student Grievances with Members of the Faculty

I. Informal Resolution

Student grievances against members of the faculty can be resolved through informal or formal procedures. Students are encouraged to seek informal means of resolving grievances and are urged to consult with other persons who would be able to provide competent advice or referral concerning the issues involved. Such persons might include one of the Deans of Students, the Director of the Office of Diversity and Inclusion, a member of the faculty (sometimes, especially, the student's faculty adviser or the chair of the student's major department) or a Resident Counselor.

If a student decides that there are no grounds for submitting formal charges, or if he/she believes that such grounds exist but nonetheless does not wish to submit formal charges, he/she is encouraged to resolve the matter through informal means, with the consultation and assistance of such persons as those listed above. The pursuit of such informal resolution does not prevent the aggrieved student from submitting formal charges at a later date if informal resolution fails.

II. Submitting Formal Charges

If informal procedures fail to resolve the grievance and if, after consultation with the Dean of the Faculty, the student wants to proceed with the grievance, he/she may submit formal charges against a member of the faculty. The complaint should be directed to the Dean of the Faculty and should contain a full written description of the nature and grounds of the grievance.

Throughout the informal procedures for the resolution of grievances, both the student and the faculty member may each be accompanied and represented by an adviser of his/her choosing from among the Amherst College faculty, administration, staff or student body, and the student may be accompanied and represented by such an adviser in the presentation of formal charges to the Dean.

Upon receipt of such charges, the Dean of the Faculty will provide written copies to all of the parties against whom the complaint is directed. Within one week of receiving a formal charge, the Dean of the Faculty will proceed as follows:

If the Dean deems the charges insufficiently serious or insufficiently supported by evidence to warrant a formal hearing, he/she decides the matter himself or herself. This decision can be appealed to the President.

If the Dean determines that the charges, if proven, are sufficiently serious that, for cause, the imposition of either dismissal, suspension from service for a stated period, demotion in rank or deprivation of pay would be warranted, he/she shall immediately initiate the procedure for the imposition of such sanctions as provided in Section III, I.2 (pp. 40–42) of the *Faculty Handbook*.

If the Dean deems the charges insufficiently serious to raise the possibility of such severe sanctions, but sufficiently supported by evidence to warrant a formal hearing, he/she shall explore with the aggrieved student and the accused member of the faculty the possibility of resolving their dispute through an alternative dispute resolution procedure, including arbitration by the Dean. This procedure, however, must include an explicit time schedule; may not result in the dismissal, suspension from service, demotion in rank or deprivation of pay of the faculty member charged; and may not provide for further review thereafter. The parties shall have one week in which to agree on such a procedure. If they do, the grievance will not come before a Hearing Board. If they do not, the Dean will notify

the Chairs of the Committee on Adjudication and the Committee on Discipline of the necessity of forming a Hearing Board within five days thereafter. Immediately upon the formation of the Hearing Board, the Dean will forward the grievance to it.

In order to protect the integrity of a potential appeal, once formal charges are submitted to the Dean of the Faculty, he/she must not discuss the case with the President.

In the case of a complaint against the Dean of the Faculty, his/her role in all phases of the grievance procedure will be assumed by the President. Similarly, the President's role as the officer to whom appeals are directed will be assumed by the Board of Trustees.

III. The Hearing Board and Hearing

The Hearing Board shall be composed of three faculty members, chosen by the Chair of the Committee on Adjudication from among its members, and two students, selected by the Committee on Discipline from among its members. The chair of the Committee on Adjudication will normally not sit on a Hearing board in order to be available to serve on appeals, should they arise.

Each Hearing Board will elect its own chair. The Chair of the Hearing Board will preside over the hearing, maintaining good order and recognizing who is to speak, and will be responsible for keeping a summary record of the proceeding. A verbatim transcript may be taken at the discretion of the Chair and will be taken if requested by a member of the Hearing Board or by either party to the dispute.

A faculty or student member of the Hearing Board may be disqualified for bias or a conflict of interest in response to a challenge brought by one of the parties (or may deem herself or himself disqualified for either of the same reasons). The Chair of the Committee on Adjudication shall decide any such challenge to a faculty member and shall appoint a replacement from among the members of that Committee or, in exceptional cases where no alternative member of the Committee is available, the Committee of Six will appoint a substitute from the Faculty at large; the Chair of the Committee on Discipline shall decide any such challenge to a student member and shall appoint a replacement from among the student members of that Committee, or, in exceptional circumstances where no alternative member of the Committee is available, the College Council will appoint a substitute from the student body at large.

The Hearing Board shall have the right to request information concerning allegations, to question witnesses and to ask for written accounts of alleged violations. It is expected that both the complainant and the accused will be present at the hearing, but if the accused chooses not to attend, the hearing may continue in his or her absence. The Board may consider any testimony or other evidence it believes has a probative value not outweighed by unfair prejudice, except 1) any written or oral statement made by any member of the college community in confidence to an official of the college, with the mutual understanding that it was made in confidence, shall remain confidential if the original maker of the statement so chooses, and the Board shall not consider it, and 2) the Board shall not have access to the confidential personnel file of the faculty member against whom charges have been made. The Board has the right to call witnesses and to oblige any member of the college community to appear. The burden of proof rests with the complainant and will be satisfied only by clear and convincing evidence in the record as a whole.

The Dean of the Faculty will present the formal charges to the Hearing Board, thereby initiating formal proceedings which will normally begin within three weeks of the formation of the Hearing Board.

All hearings of the Board will be confidential except when both parties to the dispute request open hearings and the Chair of the Hearing Board concurs. All members of the College community are reminded that, except in the case of an open hearing, any breach of confidentiality may threaten the fairness of the process. All parties are expected to refrain from any action, intentional or inadvertent, which might threaten the confidentiality of the proceedings. The Chair may close an open hearing at any time if he/she determines that the presence of spectators interferes with the conduct of the hearing or might undermine the integrity of the process.

Prior to the hearing, the Chair will inform both parties of the following rights:

1. To receive a copy of the formal charges, a copy of the Hearing Board's procedures and notice of the time and location of the hearing. This information must be delivered at least 15 days prior to the date of the hearing.
2. To present their case to the Hearing Board at the earliest possible date consonant with the right to advance notice. Although the Chair will insure expeditious progress of the proceedings, either party may petition the Chair for more time to prepare his or her case.
3. To select a member of the Amherst College faculty, administration, staff or student body as an adviser and to have that adviser present during the hearing. Advisers may assist the parties in preparing the case. Advisers are present at the hearing not to serve as legal counsel, but to support and advise the parties. Advisers have the right, however, to address the Hearing Board and to address questions to witnesses.
4. To challenge any member of the Hearing Board with bias or a conflict of interest in the case. (Prior acquaintance or knowledge of the facts of the matter, does not necessarily constitute conflict of interest, absent a showing of an actual conflict of interest.) The Chair of the Committee on Adjudication will rule on the challenge of any faculty member of the Hearing Board, and the Chair of the Committee on Discipline will rule on the challenge of any student member.
5. To have any decision based solely upon evidence introduced at the formal hearing.
6. To present evidence; to call, hear and question witnesses; and to review and question all written testimony or documents. The Board will not consider anonymous statements made on either side of the case. All parties must be aware of the specific source and content of all testimony.
7. To appeal the decision of the Hearing Board under procedures described in Section VI below.

Normally, hearings will be concluded within two weeks.

IV. The Finding

The Hearing Board will reach a determination as to guilt or innocence, and, if the former, a recommendation for an appropriate course of action to remedy the harm done to the complainant and to protect other members of the College community, including a recommendation, if necessary, of any disciplinary action to be taken against the faculty member, within one week of the close of the

formal hearing. The Hearing Board may not itself, however, recommend the imposition of dismissal, suspension from service, demotion in rank or deprivation of pay, but may recommend that the Dean of the Faculty initiate the procedure established for that purpose. A determination of guilt requires a majority vote of the Hearing Board. The Hearing Board will prepare a written report summarizing the evidence, its determination of guilt or innocence and its recommendation for a disposition. Any member of the Hearing Board who disagrees with the majority opinion must file an accompanying written minority report. The report and minority report(s) must be signed.

The report(s) will be directed to the Dean of the Faculty, who will forward copies directly to the parties.

The finding may be appealed by either party in accordance with procedures specified below (Section VI, Appeals).

V. The Disposition

If the Hearing Board recommends that the Dean of the Faculty initiate the procedure for dismissal, suspension from service, demotion in rank or deprivation of pay for cause provided in Section III.1.2 (pp. 40-42) of the *Faculty Handbook*, the Dean of the Faculty shall do so as soon as practicable, and there shall be no other review of this disposition other than the initiation of such proceedings and the review provided therefrom. Such subsequent proceedings shall be conducted *de novo* without regard to the procedure of the Hearing Board described above.

In all other cases, the Dean shall review the Hearing Board's finding(s), report and recommendations (if any) and whatever relevant information may be contained in the faculty member's confidential personnel file, normally within one week of receipt of such finding(s), report and recommendations. The Dean may implement a disposition of the case different from that recommended by the Hearing Board (but not dismissal, suspension, demotion in rank or deprivation of salary) only after notifying it of her/his intention to do so, providing written reasons for the same, and providing the Hearing Board an opportunity to reply. Both parties will be informed in writing of the Dean's determination.

VI. Appeals

Either party to the original grievance can appeal the determination of the Hearing Board or of the Dean to an Appeal Board. Such an appeal may be made only on the grounds that one or more of the findings are not supported by the evidence, that substantial new evidence has been uncovered subsequent to the hearing, or that the Hearing Board or the Dean has committed specified procedural errors.

The Notice of Appeal must specify, in writing, the grounds on which the appeal is being made and must be presented within 15 days of receipt of the Dean's determination.

The Notice of Appeal will be directed to the chair of the Committee on Adjudication, who will convene and chair the Appeal Board. The remainder of the Board will be composed of one faculty member, selected by the Chair of the Committee on Adjudication from among its members, and one student member, chosen by the Chair of the Committee on Discipline from among its members. None of the members of the Appeal Board shall have served on the Hearing Board for the case under consideration. Any member (including the Chair) of the Appeal Board may disqualify himself or herself or be disqualified upon a challenge by any party for any of the reasons for which a member of the Hearing Board may be disqualified. Such a challenge to a member of the Appeal Board shall be

decided and he/she will be replaced by the procedures outlined above for Hearing Board members, except that, if the Chair of the Appeal Board is challenged, the Committee of Six will rule on the challenge and appoint a substitute if necessary.

All three members of the Appeal Board vote, and a majority decides all questions. If a member of the Appeal Board disagrees with the majority choice of one of the four actions listed below, he/she must file an accompanying written minority recommendation. All reports must be signed. These reports will be directed to the Dean of the Faculty.

The Appeal Board considers an appeal on the basis of the notice of Appeal and the summary record or verbatim transcript of the hearing. After reviewing these materials, it may determine that it needs to hold additional hearings, question and otherwise take testimony from the parties and the Dean and solicit such additional information as it deems necessary for a thorough review. After such review, the Appeal Board will take one of the following actions:

- A. Inform the Dean that the Appeal Board upholds the decisions of the Hearing Board and the Dean.
- B. Inform the Dean that one or more of the findings are not supported by the evidence and the Dean and/or the Hearing Board is to reconsider the recommended disposition, or the charge is to be dropped.
- C. Inform the Dean that the Hearing Board has made one or more specified procedural errors or that new evidence has been uncovered, which requires that the Hearing Board undertake a new hearing.
- D. Inform the Dean that s/he has made one or more specified procedural errors, which require(s) reconsideration by the Dean.

Whatever its action, the Appeal Board shall prepare a written report which will be sent to the parties.

VII. Records

When the final disposition of a case results in a finding that a member of the faculty is guilty of a violation, that finding, together with the determination of penalty, shall be placed in the member's employment file.

When the final disposition of the case results in a finding that the accused is not guilty of a violation, all references to the case will be removed from the accused's employment file.

A permanent file, with the names of all parties and witnesses removed, will be maintained for each case with reaches the formal stage, regardless of its outcome. This file will be kept in the office of the Dean of the Faculty and will include all summary records, Board findings and penalties imposed. This file will be available to any future Hearing Board for the purpose of researching precedents and to any committee of the college charged with revising the policies concerning the resolution of student grievances with members of the faculty.

The verbatim transcript, if taken, will remain in the confidential files of the Dean of the Faculty until such time as all appeals and civil or criminal cases which may result from the original complaint are settled. It shall then be destroyed.

VIII. Miscellaneous

None of the foregoing in any way limits rights, responsibilities and procedures described in other college documents, nor does it in any way alter the power and responsibilities of the Dean of the Faculty and the President to enforce the extant rules and regulations of the college.

Rules Governing Student Profit-Making Enterprises

- Amherst College students who wish to operate a profit-making enterprise on campus must register the enterprise with the Dean of Students' Office (DSO) before beginning the enterprise and at the start of each academic year thereafter. Although there is no registration fee, any student failing to register such an enterprise will be fined \$100.
- Amherst College students may not engage in the sale or distribution of goods or services to others where such enterprise uses or involves any college facility or equipment, including residential buildings, Valentine Dining Hall, the post office and the campus telephone system, without advance written approval of the DSO.
- The words "Amherst College" may not appear as part of distributed materials or as part of the return or business address on any correspondence without written permission from the DSO.
- Students wishing to operate a profit-making business are required to submit a business plan to the DSO.
- Students requesting permits for sale or solicitation must show ability to cover complaints, refunds, uncollectible receivables and injury. All enterprises must comply with federal, state and local laws and ordinances.
- Copyrighted material is not allowed unless a written release form is obtained from the holder of the copyright.
- Enterprises must renew their permits at the beginning of each academic year.
- The DSO may review the operation of any campus profit-making enterprise and may revoke permission to operate at Amherst College.
- Recognized nonprofit Amherst College student organizations must work out the conditions of any proposed profit-making endeavors with the DSO.
- On-campus commercial vending by non-Amherst College students is prohibited. Solicitation of funds or support by off-campus nonprofit organizations must be approved by the DSO.
- Failure to comply with the above regulations will result in disciplinary action.

Students are reminded not to hesitate to stop by or call Dean Hannah Fatemi's office in the Keefe Campus Center if they have any questions.

Hazing

A law enacted in 1985 by the Massachusetts state legislature makes hazing a criminal activity punishable by a fine and imprisonment and requires all public and private colleges in the Commonwealth to distribute copies of the law to all their students.

Chapter 536
The Commonwealth of Massachusetts
In the Year One Thousand Nine Hundred and Eighty-five
AN ACT PROHIBITING THE PRACTICE OF HAZING

Be it enacted by the Senate and House of Representatives in the General Court assembled, and by the authority of the same, as follows: Chapter 269 of the General Laws is hereby amended by adding the following three sections:

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 hundred days, 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 this 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 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 reasonably 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 or permitted by the institution to use its name or facilities or is known 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 any 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.

Each institution of secondary education and each public or private institution of post secondary education shall, at least annually, before or at the start of enrollment, deliver to each person who enrolls as a full-time student in such institution a copy of this section and Sections Seventeen and Eighteen.

Each institution of secondary education and each public or private institution of post secondary education shall file, at least annually, a report with the regents of higher education and in the case of secondary institutions, the board of education, certifying that such institution has complied with its responsibility to inform student groups, teams or organizations and to notify each full-time student enrolled by it of the provisions of this section and Sections Seventeen and Eighteen and also certifying that said institution has adopted a disciplinary policy with regard to the organizers and participants of hazing, and that such policy has been set forth with appropriate emphasis in the student handbook or similar means of communicating the institution's policies to its students. The board of regents and, in the case of secondary institutions, the board of education shall promulgate regulations governing the content and frequency of such reports, and shall forthwith report to the attorney general any such institution which fails to make such report.

Trustees' Resolution on Fraternities

On and after Feb. 25, 1984, no resource of the college (physical, staff or monetary) shall be used or employed, directly or indirectly, in any procedure relating to rushing, pledging, initiating or otherwise admitting to or maintaining membership by any student of the college in any fraternity, sorority or other social club, society or organization (however denominated).

On and after July 1, 1984, every building owned or leased by the college and used by the college to house one or more students then attending the college shall be subject to rules and regulations of the college of general applicability from time to time in effect allocating residential space, and no fraternity, sorority or other social club, society or organization (however denominated) shall be permitted to participate, directly or indirectly, in the allocation process.

Nothing in these resolutions shall be deemed to prohibit the use of any building owned or leased by the college for meetings (including social functions, subject to rules and regulations of the college of general applicability) held by honorary clubs, societies and organizations, such as Phi Beta Kappa and Sigma Xi.

Nothing in these resolutions shall be deemed to prohibit the use of any building owned or leased by the college for a residential use directly related to the educational program of the college (such as a "language house") solely by reason of the fact that social functions, subject to rules and regulations of the college of general applicability, may occur there from time to time.

Adopted by vote of the Board of Trustees, Feb. 24, 1984

Appendix: College Council Statement on the Fraternity Policy

(The following statement was voted by the College Council as a supplement to and explanation of the Trustees' resolution on fraternities. It does not have the status of legislation passed by either the Board of Trustees or by the full faculty of Amherst College.)

The Board of Trustees voted to abolish fraternities at Amherst College in 1984. In so doing, the Board took the position that it would not attempt to limit students' ability to associate freely with whomever they wish off campus, but it would ensure that no college facilities could ever be used by fraternities or sororities. As a result, Amherst students are not prohibited from joining fraternal organizations whose activities take place entirely off the Amherst College campus. Such organizations that do conduct activities on campus, however, are in violation of the Trustees' resolution, and any student who participates in those activities is subject to disciplinary action. Examples of such activities include but are not limited to:

1. Any activity that is required as part of the process of pledging or initiating new members.
2. Meetings whose purpose is to recruit new members.
3. Meetings of members to conduct fraternity business or to socialize with each other.
4. Social events, such as parties, organized and/or funded by the membership of the organization, whether those events are restricted to the members themselves or are open to the entire campus.
5. Use of college facilities, such as bulletin boards or the internal campus mail system, to promote or advertise events sponsored by the organization.

Students who violate any of these restrictions imposed by the Trustees' resolution will be subject to the full range of disciplinary sanctions available to the college. The restrictions apply to the public and private areas of dormitories of Amherst College, as well as to all other buildings and facilities, including the grounds, athletic fields and other property of the college.

Legal Aid

Students who believe they have problems that might require legal advice are urged to consult one of the deans of students. The college does not provide legal assistance but can refer students to local lawyers and may provide bail in certain cases. Those needing information about legal assistance, bail, etc. should contact the Dean of Students' Office or the dean on duty.

Any student who is arrested should call the Campus Police (413-542-2291) and clearly state his or her name and location and the telephone number of the phone he or she is using and ask that the dean on duty call that phone.

Jury Duty

Amherst College students are often asked to serve on various juries within Hampshire County. Although many students are not registered voters in Massachusetts, jury eligibility is determined by period of residency within Hampshire County, and all Amherst students are eligible to be called. The call to jury duty includes the opportunity for one postponement of the server's choice. Many students elect to serve their jury duty at the beginning of a vacation or break period. If students are called to jury duty, it is not possible to be exempted, even if they have recently served on juries in their home states. Students who are called to jury duty and must miss class as a result are encouraged to notify their class dean, who will in turn notify their instructors.

Regulations Regarding the Sale and Distribution of Drugs and Alcohol

Under Massachusetts Law

1. A person must be at least 21 years of age to legally purchase alcoholic beverages in Massachusetts.
2. Purchase of an alcoholic beverage by an underage person or any arrangement with another person to procure such drinks is a crime punishable by a mandatory \$300 fine.
3. Willful misrepresentation of one's age or the age of another person in order to purchase or receive alcoholic beverages is a crime punishable by a fine of up to \$1,000 or by imprisonment of up to six months or both.
4. Any person who purchases for or furnishes a drink to someone underage commits a crime punishable by a fine of up to \$2,000 or by imprisonment of up to one year or both.
5. No person may serve an alcoholic beverage to anyone who is obviously inebriated.

Note: Any person who violates law is liable for his/her own actions and may be subject to civil or criminal complaints.

Under College Policy

1. No college or dorm/house funds may be used to purchase alcohol.
2. The following provisions apply to the service of alcohol at all-campus parties in public areas of the dormitories:
 - a. No one under the age of 21 shall be allowed access to a TAP room. Party monitors will check identification at the main entrance to the party and at the door of the TAP room. Acceptable identification will include: for Amherst students, a college ID; for their guests, two IDs with birthdates, one of which has a picture. Students who are 21 will have clearly visible stamps placed on their hands at the entrance to the party. Amherst College Campus Police officers will monitor the TAP room periodically to make sure that no one under 21 has entered it. If officers determine that this rule has been violated, they will close the party immediately.
 - b. Party monitors will also ensure that students do not leave the TAP room with alcohol. No alcohol is permitted in any common area other than the TAP room. If Campus Police officers detect a violation of these rules, they will terminate the party.
 - c. After two violations of the college alcohol policy, a house/social group will be denied permission to hold a party for a month.
 - d. Parties will cease when monitors leave for the night.
3. All party sponsors should provide an appropriate amount of equally accessible, non-alcoholic beverages whenever alcoholic beverages are available.
4. Sale of alcoholic beverages without a liquor license is prohibited, as is any attempt to raise money or charge admission at an event at which alcohol is served.
5. If college officials learn that a student has been convicted of driving while intoxicated at any time between first enrollment at Amherst and graduation, whether in the vicinity of campus or anywhere else, that student

will be denied parking privileges, and thus the capacity to keep a car on campus, for the remainder of his or her stay at Amherst.

6. Kegs are prohibited from first-year residence halls. A fine of \$100 will be assessed to any person or residence that violates this regulation. No hard liquor is permitted to be served at any public parties in the residence halls except for seniors-only parties sponsored by the Student-Alumni Relations Committee.

Note: Any organization or group of students who plans to sponsor an event in public space at which alcohol is available must fill out and submit a party notification form. These forms are available at the Dean of Students' Office and must be returned there.

Keg Licensing Enforcement

A Town of Amherst bylaw requires a keg license, which can be obtained at the Amherst Police Department, for the possession of beer kegs anywhere in the town. There are substantial monetary penalties for violating this bylaw. The College Council has also passed a policy which will result in a \$100 fine for possessing an unlicensed keg on the Amherst College campus.

Drinking and Driving

The state of Massachusetts has set the legal limit for alcohol concentration in the blood at below .02 for anyone under 21 and .08 for anyone 21 and over. For many students (anyone under 160 lbs.), one drink will result in a blood alcohol content of over .02.

Legal Sanctions for Drug Offenses

Federal, state and local sanctions for unlawful possession or distribution of illicit drugs range from probation and forfeiture of property to fines and imprisonment. For example, the sanctions against an individual for distribution of, or possession with intent to distribute, controlled substances can be from a minimum of 10 years imprisonment to a maximum of life imprisonment, with fines up to \$4 million. Sanctions can increase for repeat offenders or for offenses resulting in death or serious bodily harm and can be doubled for each of the following occurrences: distribution to persons under 21 years of age, distribution within 1,000 feet of a college or university or employing someone under 18 in the distribution. Attempt or conspiracy to commit a crime can be treated as severely as the intended offense. As of Sept. 1, 1989, conviction for violation of any state or federal drug law can lead to ineligibility for any federal benefit (including grants and loans).

Health Risks Associated with Alcohol and Other Drugs

Given the academic, social and sexual pressures inherent in college life, many students seek relief from stress through use of alcohol or other drugs. Habits of substance use formed in college often lay the groundwork for future addictions. Driving under the influence of substances, including alcohol, can lead to harm of the driver, passengers and others. Immediate deleterious effects of sustained or substantial alcohol and drug use include fatigue, depression and lack of motivation, as well as physical symptoms, such as hangovers, upset stomachs and headaches. Student health centers report that alcohol-related injuries continue to be a significant problem.

Alcohol is often a factor in various forms of campus violence, such as acquaintance rape and vandalism. Overdosing on alcohol or other drugs has resulted in student deaths at colleges and universities throughout the country.

Long-term physical and psychological effects of alcohol abuse include cirrhosis of the liver, gastrointestinal disorders, increased risk of coronary heart disease, sexual dysfunction, certain cancers and fetal alcohol syndrome. With cocaine and other stimulants, insomnia, depression, fatigue and impotence are potential long-term effects. Marijuana has been implicated in chronic lung disease, certain cancers, reproductive problems and a suppression of the immune system. The major concern with barbiturates, tranquilizers and other sedative-hypnotics, such as Quaaludes, is overdose and potentiation with alcohol.

Those students concerned about their own substance use or worried about a friend can seek assistance with complete confidentiality at Health Services or the Counseling Center.

Image Release Policy

From time to time, Amherst College may authorize its employees or agents to make still or moving images and/or audio recordings of students in a variety of college-related activities, such as participation in campus life, courses or college events. The college may display or publish this material in various locations including the college Web site, in printed publications, or in broadcasts. Students are responsible for notifying the college's Office of Public Affairs, in writing, if they do not wish the college to use their images or recordings for any reason.