

AMHERST
COLLEGE
2012–13 STUDENT HANDBOOK
In Brief

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

The *Student Handbook In Brief* is an annual publication of the Amherst College Office of Public Affairs and was designed by Ania Wieckowski '03. The 2012–13 edition of the *Student Handbook In Brief* was edited by Angelina Gomez '14 with assistance from Katherine Duke '05. The complete *Handbook* can be found online at www.amherst.edu/campuslife/deanstudents/handbook.

AMHERST COLLEGE

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Student Handbook In Brief

Table of Contents

Preface	2
Academic Calendar	3
Student Services	
Dean of Students	4
Career Center	4
Center for Community Engagement	4
Financial Aid	5
Registrar	5
Student Records	5
Student Health	7
Religious Life	8
LGBTQIA Resources	9
Campus Police	9
Student Rights & Policies	
Honor Code	10
The Student Conduct Process	12
Appendix A: Sexual Harassment	25
Appendix B: Honor Code Violations	27
Appendix C: Resources and Reporting	29
Appendix D: Sexual Misconduct	33
Appendix E: Title IX Compliance	34
Appendix F: Alcohol and Other Drugs	36
Grievance Resolution	42
Profit-Making Enterprises	47
Hazing	48
Fraternities	49
Legal Aid and Jury Duty	51
Image Release Policy	51
Involuntary Withdrawals	51

Preface

This is the abbreviated version of the Student Handbook, containing information about various offices that provide services 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, extracurricular organizations and more regulations on topics such as residential life, is available at www.amherst.edu/campuslife/deanstudents/handbook.

All new 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.

Charri Boykin-East
Interim Dean of Students

Academic Calendar

August 26 (*Sun.*) New Student Orientation begins.

September 4 (*Tue.*) Fall semester classes begin.

September 12 (*Wed.*) Last day for fall semester course changes.

October 6–9 (*Sat.–Tue.*) Mid-Semester Break.

October 26–28 (*Fri.–Sun.*) Family Weekend.

November 9–11 (*Fri.–Sun.*) Homecoming Weekend.

November 8–14 (*Thu.–Wed.*) Pre-registration for spring semester.

November 17–25 (*Sat.–Sun.*) Thanksgiving Recess.

December 12 (*Wed.*) Last day of fall semester classes.

December 17–21 (*Mon.–Fri.*) Fall semester examination period.

December 22 (*Sat.*) Winter Recess begins.

January 24 (*Thu.*) Spring semester classes begin.

February 1 (*Fri.*) Last day for spring semester course changes.

March 16–24 (*Sat.–Sun.*) Spring Recess.

April 8–12 (*Mon.–Fri.*) Pre-registration for fall semester.

May 8 (*Wed.*) Last day of spring semester classes.

May 14–18 (*Tue.–Sat.*) Spring semester examination period.

May 26 (*Sun.*) Commencement.

Academic Calendar available online at:
www.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 and assistants in 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 at (413) 542-2000 or through Amherst College Campus Police at (413) 542-2111 for emergencies or (413) 542-2291 for non-emergency business.

The Career Center

First Floor, College Hall, (413) 542-2265

The Career Center is committed to supporting students and alumni along their journeys of exploration by assisting them in identifying the directions best suited to their individual interests, skills and talents. The Career Center believes that the career decision-making process emerges over time, shaped by one's experiences, values and interests. With this philosophy in mind, the Center offers comprehensive programs and operates as a one-stop, full-service resource. Among the many services offered are those related to career counseling, international study and work, graduate and professional school and fellowships. The Career Center is open weekdays from 8:30 a.m. to 4:30 p.m.

The Center for Community Engagement

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

The mission of the Center for Community Engagement (CCE) is to provide Amherst faculty and students with opportunities to engage the world in sustained, collaborative, reflective and meaningful ways that enrich an innovative liberal arts education. The CCE does this by working locally, nationally and globally to create spaces for mutually beneficial relationships between faculty, students and

community partners. Rooted in the belief that the liberal arts and the community both have knowledge and resources to offer, the CCE aims to facilitate the production of knowledge that contributes to society and enriches the disciplines that are studied. The CCE values collaborative work that incorporates a diversity of backgrounds and perspectives, and the CCE seeks to maximize participation in all of its endeavors.

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

Office of Financial Aid

B-5 Converse Hall, (413) 542-2296

Students should consult the Office of Financial Aid on matters relating to scholarships, grants and student employment, federal and state financial programs, student and parent loans, veterans' affairs and general questions concerning financial problems and planning. Students may refer to *Notes Concerning Your Financial Aid Award* for official policy on financial aid at the college; it is available on the office's website, www.amherst.edu/offices/financialaid.

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.

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 each student's educational record are Dean of Students, Financial Aid, Registrar, Comptroller, Counseling Center, Student Health Services, Physical Education, Information Technology, Campus Police and (for records of non-current students) Archives. Information Technology and Archives do not release information of record directly but only through the office responsible for transmitting data to them. Students who have questions about information in any of these files should see the directors of the offices 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/academicleife/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 section on Student Conduct and the Resolution of Grievances.

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 advisors 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 of Students' 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 Southwest, Washington, D.C. 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 FERPA or other laws. 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 have access to 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.) Directory information includes the student's name; telephone numbers; local, home and email addresses; 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; most recent educational institution attended; anticipated degree and degree date; and photograph.

Student Health

The Counseling Center

Scott House, (413) 542-2354

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 they might have more productive college experiences.

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 and helping students clarify various life dilemmas.

Sessions are scheduled based on what might be most practical and helpful in each case. Some students get what they need with one or two sessions, while others choose to continue longer. If the difficulty in question is beyond the Counseling Center's resources (for example, a problem that deserves more intensive or longer-term therapy than can be provided at the Counseling Center), the Counseling Center can refer the student to other sources of help.

Student Health Services

Keefe Health Center, 95 College St., (413) 542-2267

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 at University of Massachusetts Health Services. For hours, check www.umass.edu/uhs. 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 required 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

The various 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. All religious groups, adjunct advisors and religious affiliates working with students are asked to register with the Rev. Dr. Paul Sorrentino, the director of religious life. Chapin Chapel, meeting rooms in Chapin Hall and the Cadigan Center are made available upon request.

In 1998, the college converted a former faculty residence, built in the modern style in 1967, into the Cadigan Center for Religious Life. It contains the offices of the religious advisors, a large living room, a dining room, a conference room and two kitchens—one for common use and one for kosher/halal meal preparation. Student religious groups use the Center for meetings and fellowship, including weekly Jewish Sabbath gatherings, coffeeshouses with poetry and music, Bible study, faculty lectures and 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.

LGBTQIA Resources

The Rainbow Room, Basement of Morrow Dormitory

The Rainbow Room serves as the center for resources for Amherst students interested in lesbian, gay, bisexual, transgender, queer, questioning, intersex and asexual (LGBTQIA) issues. It provides a meeting place for the Pride Alliance, the primary organization for LGBTQIA students and their allies. The Rainbow Room has a library of LGBTQIA-themed books, movies, magazines and other information. It is staffed by Angie Tissi, area coordinator and coordinator of LGBTQIA student support and services, who is available to meet confidentially with any student or organization to provide information and/or support regarding programming and/or personal issues. She also serves as a referral source for off-campus resources.

Amherst College Campus 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 Town's 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 11 full-time officers under the direction of Chief of Campus Police John Carter. 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, gender identity, gender expression, 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 on 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, if appropriate, will propose changes to the Honor Code to the campus community. The revised Honor Code will be voted on by the 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 it will remain in effect until an alternative version is passed by the majorities of both the students and faculty.

The Dean of Students may publish statements and establish standards as appropriate to further the principles embodied by the Honor Code and/or to comply with applicable legal requirements. Similarly, the Dean of Students may make changes to the Student Conduct Process as appropriate to address behavior which violates principles embodied by the Honor Code and/or to comply with applicable legal requirements. The Dean of Students will keep the College Council informed of all such actions.

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, including all related statements and standards, 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 a complaint is filed against a student for an alleged violation, the student is entitled to have the complaint resolved through the adjudica-

tory process described below. If the student is found responsible at the conclusion of this process, appropriate sanctions will be imposed.

Statement of Intellectual Responsibility

Every person's education is the product of their 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 copies of the Statement of Intellectual Responsibility with their initial course schedules 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 their 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 their 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 workplace. 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, gender identity, gender expression, economic status or physical or mental disability will be regarded as a serious violation of the Honor Code, and anyone found responsible for 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 peaceful 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 Student 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, gender, gender identity, gender expression, economic status or physical or mental disability.

The Student Conduct Process

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. In some cases, informal resolutions will not be available as a grievance procedure. A student conduct process exists for those situations and acts which will not, or cannot, be resolved through amicable discussion.

NOTE: All references to the Dean of Students and the Dean of Student Conduct in the Student Conduct Process include the Dean or their designee.

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 of Student

Conduct, Class Deans 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 or visitors, they should consult the Director of Human Resources or the Director of the Office of Diversity and Inclusion. (See the sections of the Student Handbook titled **The Resolution of Student Grievances with Members of the Faculty** and **The Resolution of Student Grievances with Administrators, Staff or Visitors** for additional details. The sections of this Code dealing with sexual harassment also provide guidance for students who believe that they have been harassed by members of the faculty or the administration.)

In all instances when a complaint is filed against a student for 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. However, students should be aware that the college may be required by applicable law to disclose information relating to such proceedings.

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 or 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 section of the online Handbook, found at www.amherst.edu/campuslife/deanstudents/handbook/fivecolleges.)

If a complaint is filed against a student for violation of the Honor Code in locations or situations specified in the foregoing paragraphs, college student conduct proceedings may be initiated by a member of one of the constituent Five Colleges, by a member of Amherst College or by the Dean of 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 of Student Conduct may petition the Committee on Discipline to accept a complaint. In determining to do so, the Board will follow the general guideline that jurisdiction will only be extended where the alleged violation appears to be of sufficient gravity to have an actual or potential adverse impact on the college community or its members.

The college reserves the right to initiate or carry out its own student conduct 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 respondent

participates in the college proceedings. A respondent 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 student conduct proceedings.

A student who withdraws from the college after a complaint has been filed for an alleged violation of the Honor Code but before the complaint has been resolved in accordance with the student conduct process will be allowed to re-enroll only at the discretion of the Dean of Students.

Any reference to a "student" includes any person pursuing a degree from the college and any person who is not officially enrolled for a particular semester but who has a continuing academic relationship with the college.

Resources

When a complaint is filed against a student for violation of the Honor Code, or when a student is considering the initiation of a complaint, the student may turn for consultation or advice to one or more of the following individuals and college support systems: Dean of Students, Dean of Student Conduct, Class Deans, staff of the college Health Center, Health Education or Counseling Center, Campus Police, Director of the Office of Diversity and Inclusion, Title IX Coordinators, Faculty, Area Coordinators, Resident Counselors and Peer Advocates. See Appendix C for a more comprehensive list of resources for cases involving sexual misconduct.

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 the Office of Diversity and Inclusion or Director of Human Resources, respectively. Students considering the initiation of criminal charges against any member of the campus community 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 advisors 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 of Student Conduct.

Members of the college community who consider filing a complaint within the college's student conduct process 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, or sooner if reasonably possible. 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 of Student Conduct may extend the period for bringing a complaint well beyond the normative 90-day framework. Examples of valid motives range from difficulties related to the calendar and absence from campus to possible impacts

relating to complaints of sexual misconduct or harassment. However, in order for any complaint to be accepted, the respondent must be a student at the time the complaint is made.

Examples of what constitute violations of the Honor Code are found in the Appendices to the Code, in the statement on **Housing Regulations** and in the statement on **Fire Policy**.

The Dean of Student Conduct will direct the complainant to submit a written complaint. The respondent will be given a copy of the complaint and the Dean of Student Conduct will direct the respondent to submit a written response within three business days of receipt of the complaint. The complainant and respondent may work with an advisor on preparing these documents.

The Dean of Student Conduct will conduct or arrange for the investigation of all complaints made in good faith. In the course of an investigation, the Dean of Student Conduct or his or her designee will ordinarily interview the complainant, the respondent, and any other person whose testimony may be useful to the process of determining the merit of the complaint, including witnesses identified by the complainant and respondent. All relevant materials and evidence, including a list of witnesses, should be shared with the Dean of Student Conduct immediately upon submission of the complaint or response. In cases of sexual misconduct, the Dean of Student Conduct will generally assign an investigator to the complaint. The investigator will serve as the designee for the Dean of Student Conduct, gathering evidence and speaking to relevant witnesses to prepare a report of the information gathered for distribution to the complainant, respondent and Committee on Discipline. The investigator is trained in thorough and impartial gathering of information. An exception to the investigator model may be made if the respondent accepts full responsibility for the alleged violation of sexual misconduct. In either case, the Dean of Student Conduct may determine upon receipt of the response to refer the case to the Committee on Discipline for adjudication, and the Dean of Student Conduct or investigator will provide at the hearing a brief presentation of the information gathered. Normally, within 10 business days of the receipt of a complaint, the Dean of Student Conduct will make one of the determinations listed below. This timeline may be extended for extenuating circumstances, such as case complexity or witness unavailability.

1. There is no substance to the complaint, in which event the complaint will be dismissed, the determination will be noted and the college will take no further action.
2. There is no dispute about the material facts of the case, but the act or acts committed by the respondent do not represent a violation of the Honor Code. No formal action is warranted by the Dean of 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 respondent has violated the Honor Code. Guided by the statement on Sanctions, the Dean of Student Conduct, within 20 business days following receipt of the complaint, will assess appropriate sanctions, 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. The Dean of Student Conduct will notify the complainant and the respondent of the determination. Any sanctions resulting from this determination may be appealed by the complainant or the respondent to the President of the College within 10 business 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 of Student Conduct to the Committee on Discipline for adjudication. For cases of sexual misconduct, the Dean of Student Conduct will make this determination upon receipt of the response.
5. The complaint has merit, and, whether or not there is a dispute about the material facts of the case, a finding that the respondent has violated the Honor Code could result in a sanction greater than one semester suspension from the college. Therefore the case will be referred by the Dean of Student Conduct to the Committee on Discipline for adjudication or assigning a sanction.
6. The complaint, which the Dean of 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 of Intellectual Responsibility**, and it will be processed in accordance with the procedures set forth in the Academic Honesty section of this Code.

The Dean of Student Conduct may impose interim measures or restrictions when he or she believes that a student's continued presence on campus, or in certain locations on campus, may endanger the physical safety or emotional state of others or may disrupt the educational process. Such measures include, but are not limited to, no contact orders, academic accommodations and housing accommodations as appropriate and when reasonably available.

The investigation and resolution of all reports of sexual misconduct will generally be completed within 60 days. Extenuating circumstances may arise that require the process to extend beyond 60 days. In the event that the investigation and resolution exceed this time frame, the college will notify all parties of the need for additional time and best efforts will be made to complete the process in a timely manner.

Complaints on Behalf of the College

As set out in the **Jurisdiction** section of this Code, or if otherwise in the interest of the college, the Dean of Student Conduct may initiate a complaint and assign sanctions or refer it to the Committee on Discipline for adjudication if necessary.

Mediation

In cases where parties to a dispute wish to settle their differences through mediation as an alternative to initiating a formal proceeding with the Dean of Student Conduct, and when the Dean of 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(s). Failure of mediation will result in the matter reverting to the Dean of 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 of Student Conduct, the Director of the Office of Diversity and Inclusion, Title IX Coordinators and/or other appropriate officers of the college and parties listed in **Resources**, above. In some

cases, including complaints of sexual misconduct, mediation will not be offered as a grievance procedure.

Adjudication Before the Committee on Discipline

Membership on the Board

The Board 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 the Dean of Student Conduct will serve 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.

Each case will normally be heard by a rotation of panels 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.

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 Board disqualifies himself from hearing a case, or is disqualified for a conflict of interest, or is otherwise unavailable, they 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 Association of Amherst Students (AAS) will oversee the following procedures:

1. 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.
2. If one of the elected students resigns, the AAS will appoint an alternate of the same gender. In the event elected students are not available, and substitutes are required to maintain the quorum for a case, a substitute will normally be appointed by the Chair of the College Council.

Student members will begin their two-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 Title IX Coordinator and Director 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 Board, the Dean of Students may, from time to time, schedule other such training to assist the Board 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 of Student Conduct will transmit to the Chair of the Board all materials related to the case, including an investigative report, if applicable.

Prior to a hearing before the Committee on Discipline, the Dean of Student Conduct will acquaint the respondent 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 and response, 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 Board 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. The complainant or respondent may petition the Chair of the Board for more time to prepare the student's case.
3. To select an advisor from a list of trained advisors provided by the Dean of Student Conduct and to have the advisor present with them during the hearing. The advisors to the complainant and respondent will assist them in preparing for the case and provide support throughout the process, from the initiation of a complaint through resolution. The advisors 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. The advisors, appointed by the Dean of Students, have been trained to help the student understand the nature of the complaint and processes involved, prepare for hearing proceedings, and be aware of possible support structures and other resources. Students are strongly encouraged to choose and work with a trained advisor. A student intending to be accompanied by an advisor must notify the Dean of Student Conduct of the identity of the individual at least three business days prior to the hearing. A student will promptly notify an advisor of the scheduled date and time of the hearing because delays will not normally be allowed.
4. The complainant and respondent have the right to consult with attorneys at their own expense. Attorneys cannot participate in the Committee on Discipline hearings. Attorneys may be present on campus during a hearing; however, they are required to remain outside of any hearing rooms. If a party wishes to consult with their attorney during a hearing, they may do so by making a request to the Chair. If the request is granted, such consultation must occur outside the hearing room. An attorney may be present to provide legal counsel to the Board at the discretion of the Chair.
5. To have a hearing before the Board as soon as practicable, consistent with the right to seven calendar days' advance notice.
6. To challenge any member of the Committee on Discipline on the basis that they are unable to be impartial due to 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 business days after receiving the list of Board 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 individual serving as Chair is challenged, then the Dean of Students will appoint a substitute Chair for the hearing.
7. To be present at the hearing. For cases of sexual misconduct, complainants and respondents will be offered alternative testimony options, including the use of a privacy screen or the use of Skype from another room when speaking, questioning witnesses and/or observing testimony, as well as the option to submit written statements in place of oral opening or closing statements. Such accommodations provide a comfortable

space for participation while not depriving either party of their rights in the process. While these options are intended to help make the parties more comfortable, they are not intended to work to the disadvantage of either party.

8. To decline to answer any questions or make any statements during the hearing. However, the outcome of the hearing will be based upon the information or lack of information presented at the hearing.
9. To call witnesses of relevance to the complaint. Individuals whose sole purpose is to serve as character witnesses will not be allowed to participate. A student intending to call witnesses must provide the names and contact information of the witnesses to the Dean of Student Conduct within two business days after receiving from the Dean of Student Conduct notice of the time and location of the hearing. When necessary, and with the advance approval of the Dean of Student Conduct, witnesses who are unable to appear in person may be permitted to testify via technology, if available. If an investigator has been assigned to the case, the complainant and the respondent may provide the investigator with names of witnesses with relevant information, and the complainant and the respondent will not be permitted to call as witnesses at the hearing anyone whose name was not provided to the investigator. The Dean of Student Conduct will determine the relevance of a proposed witness, including whether such witness should be interviewed by an investigator, if applicable, or appear as a witness at the hearing.
10. To hear and to question witnesses and to respond to all written testimony submitted. However, in cases of sexual misconduct, the complainant's and respondent's questions of each other, each other's witnesses and the investigator will be directed through the Chair. The complainant and respondent will submit the question they wish to ask in writing to the Chair, and the Chair will make a determination on its relevance. The Chair will either reject the question or ask it on behalf of the requesting party. Generally, past sexual history or allegations, or sexual character of a student will not be permissible in a sexual misconduct hearing. The Chair may receive such information in limited circumstances where the information is deemed relevant and it has received the advance permission of the Dean of Student Conduct.
11. To present evidence of relevance. A student intending to present evidence should do so when submitting their complaint or response to the Dean of Student Conduct, but must do so within two business days after receiving from the Dean of Student Conduct the notice of the time and location of the hearing. The Board shall not consider evidence against a student unless the student has been advised of its content and source and given the opportunity to respond.
12. To be judged solely upon the information available during the formal hearing of the Committee on Discipline.
13. In cases of sexual misconduct, the complainant and respondent have the right to prepare an Impact Statement to be considered by the Board while determining sanctions. Impact Statements are optional, and are permitted in addition to any information provided during the hearing. Both parties can prepare a written statement and provide it in a sealed envelope to the Chair on the day of the hearing. The statements will only be opened if the respondent is found responsible. Otherwise, they will be destroyed by the Chair.

14. 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 Chair (nonvoting) of the Committee on Discipline will preside in all hearings. The Chair will work with the Dean of Student Conduct to maintain decorum during hearings and will be the final arbiter in questions of procedure. The Chair makes decisions about the admission or exclusion of evidence and witness testimony. The Committee on Discipline may consider any testimony or evidence it has reason to believe is trustworthy and relevant.

Hearings will be recorded by the Dean of Student Conduct. The recording will be the official record of the hearing. The complainant and the respondent, 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. Attendance at hearings before the Committee on Discipline by other members of the Amherst community will occur only when the respondent 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 they determine that the integrity of the hearing might be compromised by continued public attendance.

In general, Committee on Discipline hearings will proceed in the order outlined below. However, the Chair retains discretion at any time to alter the order of the hearing process as needed.

Opening statement by Chair:

- Introductions of people present
- Description of process of hearing
- Opportunity for questioning about the process

Presentation by Dean of Student Conduct/investigator:

- Brief introduction of complaint
- Brief introduction of response
- Brief introduction of investigator's report (if applicable)

Questioning of investigator (if applicable):

- Board questions investigator
- Opportunity for additional questioning of investigator

Questioning of complainant:

- Opening statement by complainant (optional)
- Board questions complainant
- Opportunity for additional questioning of complainant

Questioning of respondent:

- Opening statement by respondent (optional)
- Board questions respondent
- Opportunity for additional questions of respondent

Complainant's witnesses appear individually:

- Opening statement by witness (optional)
- Complainant questions witness
- Board questions witness
- Respondent questions witness
- Opportunity for additional questions before witness is dismissed

Respondent's witnesses appear individually:

Opening statement by witness (optional)

Respondent questions witness

Board questions witness

Complainant questions witness

Opportunity for additional questions before witness is dismissed

Additional questioning of investigator (if applicable):

Board questions investigator

Opportunity for additional questioning of investigator

Chair offers final opportunity for any additional questions and reminds that no questions will be permitted during or after the closing statements.

Closing statements:

Complainant's closing statement

Respondent's closing statement

Closing remarks by Chair

Where a complaint is brought on behalf of the college, a Hearing Officer, who is appointed by the Dean of Students, will serve as the complainant. The members of the Committee on Discipline may question witnesses and may request the presence of any member of the college community as a Board witness. If witnesses are called by the Board, the complainant and the respondent will be afforded the opportunity to question them. Students called to give testimony before the Committee on Discipline are obliged to provide testimony. The Dean of Student Conduct may make available to such students the testimony options offered to the complainant and respondent. A student called as a witness who fails to testify may be found responsible for violating the Honor Code.

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. The Board's determination will be made on the basis of the preponderance of evidence, that is, whether the alleged violation was more likely than not to have occurred.

If the Board determines that the respondent has not violated the Honor Code, the complaint will be dismissed.

If the Board determines that the respondent has violated the Honor Code, it will then determine what sanction(s) to impose. The Board will be guided by the statement of Sanctions in the imposition of sanctions. At this stage in the proceeding, the Chair will inform the Board of the respondent's student conduct record, if any. The Chair will provide information about sanctions imposed for violations in the past. This information will be used at the discretion of the Board. A statement of the Board's findings and sanctions will be prepared by the Chair of the Board. After it has been approved by the Committee on Discipline, the Chair of the Board will notify the respondent and the complainant of the outcome, generally within 48 hours after the Board decides on the case. Both parties will be notified in writing concurrently.

A copy of the finding will also be kept in a confidential file in the Dean of Students' Office. The recording of the hearing will be deposited in the same confidential file in which the other records of the case are kept.

Violations of Intellectual Responsibility and 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 violations of intellectual responsibility. The Honor Code allows for two methods of handling such cases, 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 of Student Conduct, who will inform the instructor whether the student has been found responsible of previous violations of intellectual responsibility. In the case of a first offense, the instructor and the Dean of Student Conduct will confer about the appropriate sanction, and the Dean of Student Conduct will keep a record of the infraction and its resolution in a confidential student conduct file. If the student has a previous infraction, the Dean of Student Conduct will refer the new case to the Committee on Discipline for resolution, since the offense may warrant a penalty greater than a one-semester suspension.
2. In cases in which the instructor suspects that a student may have committed a violation of intellectual responsibility and, after speaking to the student, feels that adjudication is necessary to determine if the student is responsible or not responsible, the instructor will refer the case to the Dean of Student Conduct. In such instances, since the instructor and the student disagree on the facts of the case—that is, on whether a violation of intellectual responsibility occurred—the Dean of Student Conduct will send the case to the Committee on Discipline. In all cases in which the Committee on Discipline finds a student responsible for a violation of intellectual responsibility, the Board will determine all sanctions except for course penalties, which are imposed at the discretion of the instructor. The recommended sanction for a violation of intellectual responsibility, 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 violations of intellectual responsibility with the Dean of Student Conduct in order to help ensure that a student who commits a violation is effectively deterred from doing so again. Faculty members are also encouraged to discuss these procedures with the Dean of 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 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.

Sanctions

The Dean of Student Conduct or the Committee on Discipline hears most cases involving violations or alleged violations of the Honor Code and are empowered to impose sanctions upon persons found to have violated provisions of the Code. Class Deans may also impose sanctions for infractions such as violations of the policy on alcohol and other drugs (AOD). For violations of intellectual responsibility, the instructor is responsible for imposing a course penalty. In cases in which the Dean of Students believes that a student might pose a physical danger to a member of the college community, the Dean of Students may have a student removed from campus. In this case, the Dean of Students, who will act as the complainant, must bring the case against the student before the Committee on Discipline within 14 calendar days of removal from campus, and the President will appoint a substitute Chair for the Committee on Discipline.

Students found to have violated the Honor Code are subject to one or more of the following sanctions, depending on the nature of the violation and of their prior student conduct record:

- Warning:** A written admonition which will be considered in determining sanctions 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 sanctions.
- Limitations on Participation or Loss of Privileges:** A student may be prohibited from participating in intramural or intercollegiate athletics, Room Draw, eating at Valentine and/or other college activities, including attending campus events.
- Community Service and Other Alternatives:** The Dean of 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 of Student Conduct will be responsible for supervising the student's implementation of the community service. The Dean of Student Conduct or the Committee on Discipline may also require attendance, when appropriate, at drug or alcohol workshops, sexual respect counseling or other similar programs suitable to the nature of the infraction.
- Educational Project:** A student may be required to complete a project or research/reflection paper articulating the harm caused by their actions and/or strategies they may adopt to prevent further disruptive behavior.
- Parental Notification:** At the discretion of the Dean of Student Conduct or a Class Dean, students may be required to notify their parents/guardians of the violations or alleged violations of the Honor Code, and the Dean of Students will also discuss the infraction with the parent/guardian.
- 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 sanction 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 conduct 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 violation of intellectual responsibility should result in a student's receiving a failing grade. The recommended sanction for a violation of intellectual responsibility 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 conduct record in the Dean of Students' Office official record and may, at the discretion of the Committee on Discipline, be recorded on the student's transcript. The Committee on Discipline or the Dean of Student Conduct may impose other sanctions 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 with residential and/or social life at the college or involving respect for persons, or who is found to have engaged in sexual harassment or sexual misconduct, may be required to vacate their residence and be denied permission to live on campus, either for a specified time or permanently.

Other sanctions may be imposed as well, but if residential denial is the only sanction, 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. During the period of suspension, the student is not permitted on the Amherst College campus, except with advance written permission from the Dean of Students' Office.

Withholding of Degree: In student conduct 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 may be 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 sanction 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 their readiness to return to Amherst and to meet its standards of conduct. During the period of dismissal, the student is not permitted on the Amherst College campus, except with advance written permission from the Dean of Students' Office.

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. A student expelled from Amherst College is not permitted on campus, except with advance written permission from the Dean of Students' Office.

Repeated minor violations may require sanctions of probation or higher.

Appeal

Either the respondent or the complainant may appeal a decision of the Committee on Discipline, a Class Dean or the Dean of Student Conduct. All appeals are directed to the President. An appeal may come forward based on the following grounds: bias by the Class Dean or the Dean of Student Conduct or shown during the hearing or meeting on the part of one or more Board members, material procedural error, the inappropriateness of the sanction or the discovery of substantive new evidence which was not available at the time the decision was made. The respondent 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 business days of their receipt of the finding of the Class Dean, Dean of Student Conduct or the Committee on Discipline if the appeal is based on bias, procedural error or severity of sanction, 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 records of the Class Dean, Dean of Student Conduct or the Board's proceeding and other materials bearing on the case as necessary. In cases of sexual misconduct, where an appeal is submitted by the complainant or respondent, the other party will be notified of the appeal and offered an opportunity to provide a written response that must

be submitted within three business days of receiving notification. The President may interview the parties to the dispute.

For an appeal of a decision by a Class Dean or the Dean of Student Conduct, the President may refer the case to a panel of the Committee on Discipline, consisting of two faculty members, one of whom will act as Chair, and one student. For an appeal of a decision by the Committee on Discipline, the President may refer the case back to the original panel with instructions or may direct that the case 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 the case of any such referral, the panel of the Committee on Discipline will report its findings and recommendations to the President, who will resolve the appeal.

The President will render a decision with such terms as the President determines to be appropriate. The President's decision is final, and no further appeal will be permitted.

Interpretation

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

Time Limits

The Dean of Student Conduct may extend any deadline associated with the student conduct process.

Records

Normally only suspension, dismissal and expulsion are recorded on a student's transcript. However, as an additional form of sanction, the Dean of Student Conduct or the Committee on Discipline may record on the transcript a sanction other than suspension, dismissal or expulsion. Otherwise, except as otherwise permitted or required by Title IX, the Family Educational Rights and Privacy Act or any other applicable law, a student's conduct record is confidential and no information from this record will be released without a student's consent. The college will respond to requests for information about a student's conduct record which may not be released by explaining its policy of treating as confidential the existence of such information as well as the specific information itself.

Reports

The Dean of 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 sanctions assigned, by the nature of the infraction, or under some other heading. The Dean of Student Conduct or the Dean of Students may publish similar reports which include summary descriptions of the complaints and the sanctions, if any, imposed, so long as such summary descriptions do not include the names of the complainants or the respondents.

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 sanction 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 sanction those found responsible. Any student who believes they 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 they 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

Appendix B: Examples of Violations to the Honor Code

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, student conduct 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. Abusive, disruptive or harassing behavior, verbal or physical, which endangers another's mental or physical health, including but not limited to threats, acts of violence, assault and relationship violence.
3. Activity that constitutes sexual harassment or sexual misconduct of another person (see above) or involves harassment of a person for reasons of their gender, sexual orientation, race, religion, gender identity, gender expression, national origin or physical or mental disability.
4. Violations of intellectual responsibility, such as academic dishonesty, 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, 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 or 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 alarms 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

- areas, violation of the prohibition on pets in residence halls or violation of the prohibition on dropping or throwing objects from windows.
19. Acts of violence against another person, threatening violence or otherwise seeking to intimidate others.
20. Acts of retaliation against an individual who initiates or participates in a complaint.

Appendix C: Sexual Misconduct Resources, Reporting Options and Other Information

If an act of sexual misconduct occurs, you are likely to have many common concerns, including physical health and safety, emotional and mental well-being, medical issues such as sexually transmitted infections and pregnancy, and, for some, interpersonal relationships. Another common concern may be understanding the disciplinary or legal options for responding to the act.

With respect to your response, it is most important to do what is right for you. There is no right or wrong way to respond to an act of sexual misconduct. Friends, loved ones and family members often have strong feelings about what you should do. Each person needs to make the decisions that are best for himself/herself.

What To Do If You Experience Sexual Misconduct

Students who experience an incident of sexual misconduct *should consider* the following immediate actions:

- Contact Law Enforcement
- Seek Medical Attention
 - The medical exam has two goals: first, to treat the full extent of any injury or physical trauma and to consider the possibilities of sexually transmitted disease or pregnancy and, second, to properly preserve evidence in case you decide to prosecute.
 - **IMPORTANT:** Do not bathe, douche, brush your teeth, drink or change your clothing, as you may be destroying evidence you will need if you decide to prosecute.
 - Contact a trained, experienced counselor.
 - Contact parents, relatives or close friends for support.

Emergency Assistance

Amherst College Police will assist you in obtaining medical treatment, counseling, support and police services.

Emergency Response	Health and Safety
911	Cooley Dickinson Hospital: (413) 582-2000
Campus Police: (413) 542-2111	Health Services: (413) 542-2266 (available during regular office hours)

Resources and Reporting Options

While we recognize that a report may emerge through many sources, we encourage our students to report all sexual harassment and sexual misconduct directly to the Campus Police, Sexual Respect Counselor, Title IX Coordinator or Dean of Student Conduct. These individuals will support you and provide

you with information regarding options, including grievance procedures, interim remedies and ongoing emotional support. These individuals will assist in eliminating the misconduct, preventing its occurrence and addressing the effects.

Amherst will seek to maintain your privacy at all times during the process consistent with our responsibility to ensure both individual and community safety and our commitment to providing an environment free from sex and gender discrimination. All college employees who become aware of an incident of sexual misconduct will notify the appropriate Title IX Coordinator as identified below.

<p>Campus Police (Emergency) (413) 542-2111 Available 24 hours a day</p>	<p>Title IX Coordinator (413) 542-2948 Molly Mead is available during regular office hours; she coordinates prompt and equitable responses to reports of sexual misconduct by eliminating the misconduct, preventing its occurrence and addressing the effects. See Appendix E: Sexual Harassment and Title IX Compliance.</p>
<p>Sexual Respect Counselor (413) 542-8180 (413) 896-9181 Gretchen Krull is available 24 hours a day and can be reached through the Dean on Duty or Campus Police.</p>	<p>Title IX Deputy Coordinators Available during regular office hours Liza Nascembeni (students) (413) 542-2337 Suzanne Coffey (Athletics Dept.) (413) 542-8266 Gregory Call (faculty) (413) 542-2334 Maria-Judith Rodriguez (staff, administration and visitors) (413) 542-2327</p>
<p>Dean of Students' Office/ Dean on Duty (413) 542-2337 Available during regular office hours and can assist with academic concerns, changes in housing or other accommodations and referrals to other resources. Members of the Dean of Students' Office are also available 24 hours a day by calling Campus Police.</p>	<p>Peer Advocates of Sexual Respect (413) 548-6798 Students available 24 hours a day who are trained in crisis intervention and referral to counseling, medical and legal resources</p>
<p>Dean of Student Conduct (413) 542-2337 Liza Nascembeni is available during regular office hours for students interested in receiving information on filing a complaint through the college.</p>	<p>Resident Counselors Students living in the residence halls who are employed by Residential Life and trained to refer students to campus resources</p>

All of the resources listed above are trained to support students and coordinate with the Title IX Coordinator, consistent with the college's commitment to a safe and healthy educational environment. Amherst values your privacy. Reports of sexual assault will be shared only with individuals with a need-to-know or as required by law.

Confidential Resources and Support

On Campus	Off Campus
<p>Health Services (413) 542-2266 Available during regular office hours</p>	<p>Center for Women & Community (413) 545-0800 Confidential rape crisis counseling accessible to men and women 24 hours a day</p>
<p>Counseling Center (413) 542-2354 Available during regular office hours and on an emergency basis through the Dean on Duty</p>	<p>Cooley Dickinson Hospital (413) 582-2000</p>
<p>Religious Life Advisors (413) 542-8149 Religious advisors are available 24 hours a day and can be reached through the Dean on Duty or Campus Police</p>	<p>University Health Services (UMass) (413) 577-5000 Open daily 8 a.m. to midnight</p>
	<p>New England Learning Center for Women in Transition (413) 772-0806 Confidential rape crisis hotline accessible to men and women 24 hours a day</p>
	<p>Safe Passage (413) 586-5066 Confidential counseling, safety planning and shelter related to relationship violence for women</p>

The resources listed as *confidential* may not share your information without your expressed consent, unless there is an imminent danger to you or to others or as otherwise required by law. These confidential resources are granted this privilege by Massachusetts law due to the nature of their position.

Whether you were subjected to any sexual misconduct recently or in the past, you are encouraged to use all available support services.

Reporting Considerations

Sometimes a student may wish to report an incident of sexual misconduct without pursuing disciplinary or legal action. The college will seek to respect the wishes of the student when possible, recognizing that the college has a legal obligation to review all reports of sexual misconduct. Even if a student does not want to proceed, the college may choose to proceed under limited circumstances. Depending on the circumstances—such as the severity of the event, the respective ages and roles of the parties, whether there have been prior complaints against the accused and the right of the accused to be informed of the allegations against him/her—the college may determine it is necessary to proceed with a disciplinary response or implement other appropriate remedies. In such cases, the college will notify and support the original student complainant.

Students are urged to keep in mind that reporting sexual violence can help prevent future acts of sexual violence.

Anonymous Reporting

If you wish to report information concerning an act of sexual misconduct anonymously, you may do so. The college's ability to respond, however, may be limited in these circumstances.

Law Enforcement

Except in emergency situations, it will be your choice whether to report an incident of sexual misconduct to local law enforcement. If you choose to do so, the Amherst College Police Department will provide support and assistance. Notifying local law enforcement will generally result in your being contacted by a police officer. The police department determines if a criminal investigation will occur and if the case will be referred for prosecution. A case not referred for criminal prosecution will still be investigated by the college.

Town of Amherst Police Department (413) 259-3000
District Attorney's Office (413) 586-9225

Victim's Witness Program (413) 586-9225
Accessible (through the District Attorney's Office) to victims of rape or sexual assault who are going through the court process

Interim Measures

Upon receipt of a report, the college will take interim measures to protect the parties involved. These may include no-contact directives, changes in class or work schedules, changes in living, interim suspension, or other measures as appropriate.

Students who request assistance in changing their academic or living situation after an incident of sexual assault will receive appropriate and reasonably available accommodations. Students seeking academic assistance or changes in their housing should speak with the Title IX Coordinator, who will coordinate such requests on the behalf of the student.

Review, Investigation and Resolution

The college will take immediate action in all allegations of sexual harassment and misconduct to protect the safety of the community and individuals involved. Whenever the college is informed of allegations of sexual harassment or misconduct, efforts will be made to eliminate the misconduct, prevent its occurrence and address the effects. In general, the college, after consultation with the complainant, will pursue a thorough review or investigation.

Disciplinary Action and Sanctions

The college may impose the full range of sanctions, up to and including expulsion, on students who are found responsible for committing an act of sexual misconduct. Students who are considering bringing such complaints should speak with the Dean of Student Conduct in the Dean of Students' Office and should review the Student Conduct Process in the Student Handbook.

As specified in the Student Handbook, in cases involving charges of sexual misconduct, as in all cases brought to a hearing before the Committee on Discipline, both the complainant and respondent are entitled to bring with them a member of the college community as an advisor, and both students will be notified of the outcome of the campus hearing process.

Prohibition of Retaliation

It is a violation of college policy to retaliate in any way against a student because he or she raised allegations of sexual harassment or misconduct or participated in the investigation, hearing or resolution of those allegations. The college will take immediate and responsive action to any report of retaliation.

Students are encouraged to access Amherst College's Sexual Misconduct Policy Definitions in Appendix D of the Student Handbook for more information.

Leniency

The college encourages reporting of incidents of sexual misconduct. Sometimes, complainants are hesitant to make reports because they fear that they may be charged with violations of the Honor Code, such as underage drinking at the time of the incident. To encourage reporting of sexual misconduct incidents, the college will exercise leniency toward a complainant with respect to taking action for other violations of the Honor Code.

Reports Involving Minors

Amherst College is committed to the prevention of child abuse and encourages reporting of suspected child abuse by all Amherst community members. Amherst students, staff or faculty may interact with minors on campus or through Amherst programs in the community. Under Massachusetts law, educators or other professionals who work with minors are considered mandatory reporters. This means that Amherst employees must report if there is reasonable cause to believe that a child (under 18 years of age) is suffering physical or emotional injury resulting from abuse, including sexual abuse, which causes harm or substantial risk of harm to the child's health or welfare. Reasonable cause to believe that a child is suffering harm or substantial risk of harm may be based on information shared with the employee by the child or any other individual or the employee's own observations or knowledge.

Child abuse includes physical abuse, sexual abuse, emotional abuse, or neglect. Child abuse may be committed by any individual, including an employee, volunteer, parent, caregiver or other party in the child's life. The duty to report exists regardless of the specific role the suspected offender occupies in the child's life. The duty to report is triggered by reasonable suspicion or belief. There is no requirement that an employee have actual evidence of abuse, nor should an employee seek to investigate the matter himself/herself. For Amherst employees, failure to report suspected child abuse is a crime and may constitute grounds for discipline, including termination.

All Amherst employees are directed to bring all suspicions or beliefs to the immediate attention of the Amherst College Police Department or the Title IX Coordinator, who will then make the appropriate external report to the Massachusetts Department of Children and Families (DCF). Any Amherst community member may also make a direct report to DCF at 1-800-792-5200 or www.mass.gov/cohhs/gov/departments/DCF/. The notification to DCF should be made immediately. Immediate reports may be made in-person, by telephone or by email, and should be followed up within 24 hours by completing a written incident report.

Clery Reporting

The college is required to document all reports of sexual misconduct to satisfy the college's obligation to report statistics of crime on campus consistent with the Clery Act. No personally identifiable information about the complainant will be

shared for the purpose of maintaining these statistics. Identities and specific fact patterns will remain anonymous.

If a report of misconduct discloses an immediate threat to the college campus community, where timely notice must be given to protect the health or safety of the community, the College may not be able to maintain the same level of confidentiality. Immediately threatening circumstances include, but are not limited to, reported incidents of sexual misconduct that include the use of force, a weapon, or other circumstances that represent a serious and ongoing threat to the college students, faculty, administrators, staff or visitors.

Appendix D: Sexual Misconduct Policy Definitions

Introduction

Sexual misconduct is a violation of a person's rights, dignity and integrity. In the Amherst College community, students should be free from all forms of abuse, assault, harassment and coercive conduct, which constitutes sexual misconduct as defined in this policy. Any violation of this policy will be regarded as a serious violation of the Honor Code. Members of the college community are responsible for familiarizing themselves with and abiding by the Amherst College policy on sexual misconduct.

Consent

Consent is an explicitly communicated, reversible mutual agreement in which all parties are capable of making a decision. Consent is informed, freely and actively given. It is the responsibility of the initiator of a specific sexual activity to obtain consent through explicit communication.

Elements of Consent

1. Consent can never be given by minors (under age 16 in Massachusetts), by mentally impaired individuals or by incapacitated persons, including persons incapacitated as a result of alcohol or other drug (AOD) use.
2. Consent cannot result from force, coercion, threats and/or intimidation.
3. Consent to one form of sexual activity does not imply consent to other forms, and may be given for specific activities and not others. Consent at one time—including prior romantic and/or physical relationships—does not imply future consent.
4. Silence does not equal consent. Silent and inactive behavior may indicate that something is wrong and the potential for sexual misconduct exists.
5. A person's ability to freely give consent may be jeopardized if the initiator is in a position of *authority* over the person.

Definitions of Sexual Misconduct

Sexual misconduct is a broad term encompassing any sexual behavior that was committed without consent. Sexual misconduct may vary in its severity and consists of a range of behaviors. The following descriptions represent sexual behaviors that violate Amherst College's community standards and a person's rights, dignity and integrity.

1. **Non-Consensual Sexual Penetration:** Any sexual penetration (anal, oral or vaginal), however slight, with any object, or sexual intercourse, without consent. Sexual penetration includes vaginal or anal penetration by a penis,

- object, tongue or finger and oral copulation by mouth-to-genital contact or genital-to-mouth contact, regardless of genders involved.
2. **Sexual Touching, Disrobing and/or Exposure:** Any intentional sexual touching, however slight, with any object without consent. Sexual touching includes any bodily contact with the breasts, groin, genitals, mouth or other bodily orifice of another or any other bodily contact in a sexual manner. Any disrobing of another or exposure to another without effective consent.
3. **Sexual Misconduct by Incapacity:** Any occurrence of an initiator engaging in sexual behavior with someone the initiator knows, or reasonably should know, to be incapacitated by alcohol, drugs, sleep or illness. An incapacitated person is not able to make rational, reasonable judgments and therefore is incapable of giving consent. Someone is incapacitated when they cannot understand who, what, when, where, why or how, with respect to the sexual interaction.
4. **Sexual Harassment:** Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct or communication of a sexual nature when:
 - a. submission to or rejection of such conduct or communication is a term or condition of education benefits, academic evaluations or opportunities.
 - b. submission to such conduct or communication has the effect of substantially interfering with a student's education.
 - c. such conduct is sufficiently severe, pervasive and objectively offensive as to have the effect of creating an intimidating, hostile or offensive educational environment or negatively affects a student's educational opportunities.
5. **Sexual Exploitation:** Sexual exploitation occurs when a student takes non-consensual, unfair or abusive advantage of another for their own advantage or benefit, even though that behavior does not constitute one of the other sexual misconduct offenses. Examples include, but are not limited to:
 - a. Nonconsensual photography, video or audio recording of sexual activity, or distribution of such without permission.
 - b. Stalking with a sexual component. Stalking may take many forms, including persistent calling, texting or posting on a social networking site, as well as physical stalking. When the content of the messages or the nature of the physical stalking is of a sexual nature, sexual misconduct has occurred.
 - c. Voyeurism is a form of sexual exploitation in which one individual engages in secretive observation of another for personal sexual pleasure or engages in nonconsensual video or audio taping of sexual acts. Although the source for the secretive viewing or taping may be unaware of the observation, this behavior is a form of sexual misconduct and violates the integrity of the unaware student.
6. **Attempted Act:** Attempts to commit sexual misconduct are also prohibited under this policy, as is aiding the commission of sexual misconduct as an accomplice.
7. **Retaliation:** Retaliation against the individual who initiates a sexual misconduct complaint, participates in an investigation or pursues legal action is prohibited. Independent action may be taken against anyone engaging in retaliation.

Appendix E: Sexual Harassment and Title IX Compliance

"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.”—Excerpt from the **College Council Statement on Sexual Harassment**

The entire **Statement on Sexual Harassment**, including examples of harassment, is included in the Student Handbook as **Appendix A** to the Amherst College Honor Code. See also the **Sexual Misconduct Policy**, which is included in the Student Handbook.

Such sexual harassment is a form of discrimination under Title IX of the Education Amendments of 1972, which is a federal law that prohibits sex discrimination in educational institutions that receive federal funding.

While compliance with the law is everyone’s responsibility at Amherst College, the following employees are responsible for ensuring the college’s overall compliance with Title IX and its regulations:

Title IX Coordinator

Molly Mead

Director of the Center for Community Engagement
102 Keefe Campus Center
(413) 542-2948
mmead@amherst.edu

Responsibilities: oversight of all Title IX compliance at the college, including coordination of training, education, communications and administration of grievance procedures

Title IX Deputy Coordinators

For students:

Liza Nascembeni

Assistant Dean of Students and Dean of Student Conduct
105 Converse Hall
(413) 542-2337
lnascembeni@amherst.edu

Responsibilities: oversight of Title IX compliance for matters involving students

For the Athletics Department:

Suzanne Coffey

Director of Athletics
Alumni Gymnasium
(413) 542-8266
scoffey@amherst.edu

Responsibilities: oversight of Title IX compliance for matters involving athletics

For faculty:

Gregory Call

Dean of the Faculty and Professor of Mathematics
103 Converse Hall
(413) 542-2334
gscall@amherst.edu

Responsibilities: oversight of Title IX compliance for matters involving faculty

For staff, administration and visitors:

Maria-Judith Rodriguez

Director of Human Resources
201 Converse Hall
(413) 542-2372

mjudith@amherst.edu

Responsibilities: oversight of Title IX compliance for matters involving staff, administration and visitors

Additional Resources

To file a complaint of a sexual offense, contact one of the individuals above, depending on the subject to the complaint (that is, student, faculty or staff/administration/visitor), or contact:

Amherst College Police Department
Service Building

Emergency: (413) 542-2111; Business (413) 542-2291

Appendix F: Policy on Alcohol and Other Drugs (AOD)

Introduction

Given the academic, social and sexual pressures inherent in college life, many students seek relief from stress through use of alcohol or other drugs (AOD). The abuse of AOD undermines the academic mission of the college, and it is often illegal. The use of illegal drugs and alcohol abuse correlates with a host of problems on campus, such as lowered academic accomplishment, sexual violence and vandalism. The college considers the abuse of AOD a public health problem and works to reduce AOD abuse among students.

Amherst College provides education and counseling programs to ensure that all members of the college community know the risks associated with drug and alcohol abuse. Those students concerned about their own substance use or worried about a friend can seek assistance with complete confidentiality at Health Services, the Counseling Center or Health Education.

The college understands that students make their own choices about AOD. However, the college will not ignore violations of State or Federal law or the Amherst College regulations elaborated in this policy. When a student violates the policy on AOD or the law, a member of the Dean of Students’ Office meets with the student to discuss the student’s behavior, college policy and expectations, and to determine the appropriate sanctions. The Dean of Students’ Office may communicate with other college officials as appropriate regarding a student’s violation.

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 poten-

tially 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 their acts. All provisions of the Honor Code, including the full range of possible sanctions, 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 following policy outlines AOD violations of Massachusetts law and Amherst College policy and summarizes the range of possible sanctions for such violations. The college generally interprets more than three violations of the policy on AOD as indication that the student is unwilling to abide by college regulations. Violations of the policy on AOD result in sanctions such as exclusion from participation in educational programs, fines and parental notification, and may include denial of campus residence or a Room Draw penalty. In some instances, violations may result in suspension or referral to the Committee on Discipline for adjudication.

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. Amherst College Police Department is mandated to report violations of this law to the Registry of Motor Vehicles.
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.
6. For operating a motor vehicle under the influence of AOD, 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.
7. 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).

Note: Any person who violates state or federal law is liable for their own actions and may be subject to civil or criminal complaints. Amherst College does not intervene on an individual's behalf with campus, local or state law enforcement authorities.

Under Town of Amherst Bylaw

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.

Open Containers of Alcohol: No person shall consume any alcoholic beverage nor possess or transport any open can, bottle or other container containing any alcoholic beverage outdoors on any town street, sidewalk, way and public property including but not limited to parking lots, parks, school playgrounds, recreation areas or conservation areas.

Under Amherst College Policy

1. If the Dean of Students or the Dean of Student Conduct learns 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 their stay at Amherst, in addition to other possible sanctions.
2. Kegs are prohibited from first-year residence halls. A fine of \$100 will be assessed to any person or residence that violates this regulation.
3. 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.
4. Possession of drug paraphernalia (pipes, bongs, hookahs, etc.) and alcohol paraphernalia associated with the dangerous consumption of alcohol (funnels, beer pong tables, etc.) is prohibited.
5. All prohibited substances and paraphernalia will be confiscated and destroyed by campus authorities.
6. Smoking marijuana or tobacco in campus buildings is prohibited, resulting in a \$100 fine.
7. It is the responsibility of individuals or room groups to ensure that legally possessed alcohol is not stored in an unsupervised manner in which someone underage may access it (i.e., a room group member under the age of 21).
8. No college funds may be used to purchase alcohol or on fundraisers to raise money to purchase alcohol. Funds may be used to pay for TIPS-certified student staff required for beverage service.
9. The following provisions apply to the service of alcohol at all-campus parties in public areas of the residence halls:
 - 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. TIPS-certified student staff must serve the alcohol. The number of TIPS-certified staff members required at the event will be determined by the Student Activities Office based on the event details.
 - c. 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.
 - d. After two violations of the college's policy on AOD, a social group will be denied permission to hold a party for a month.
 - e. Parties will cease when monitors leave for the night.
10. All party sponsors should provide an appropriate amount of equally accessible non-alcoholic beverages whenever alcoholic beverages are available.
11. 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.
- a. For registered parties, if the sponsoring student organization, group or individual seeks to charge per drink, the event host must obtain a one-day permit with the Town of Amherst at least two weeks prior to the date of the party.
 - b. The sponsoring organization, group or individual must purchase the beer or wine from a business authorized to sell alcohol for events with one-day alcohol permits. The volume of beer or wine to be served will be determined by the Student Activities Office based on the event details.
12. 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 Student Activities Office and must be returned there at least two weeks prior to the date of the event and before publicity begins. For registered parties, sponsoring student organizations, groups or individuals are prohibited from hosting events for which funds are collected and used for personal profit.
13. If registering a tent for an event on campus where alcohol will be served, the registrant must obtain liability insurance that includes liquor liability. For more information, visit the tent policy and registration form on the Environmental Health and Safety webpage, at www.amherst.edu/offices/enviro_health_safety.

Range of Possible Sanctions for Violation of Amherst College's Statement on AOD

Level 1	1st Violation	2nd Violation	3rd Violation
<ul style="list-style-type: none"> • Possession of alcohol by an underage student • Possessing drug paraphernalia, such as a pipe, bong or hookah (used for marijuana consumption) • Possessing alcohol paraphernalia associated with the dangerous consumption of alcohol, such as a beer pong table or funnel • Open container 	<ul style="list-style-type: none"> • Meeting with Class Dean • Referral to alcohol education 	<ul style="list-style-type: none"> • Meeting with Class Dean • Referral to alcohol education • Parental notification 	<ul style="list-style-type: none"> • Meeting with Dean of Student Conduct • Referral to alcohol education • Parental notification • Possible sanctions include but are not limited to disciplinary probation, Room Draw or housing limitations, community service or suspension

Level 2	1st Violation	2nd Violation	3rd Violation
<ul style="list-style-type: none"> • Public intoxication or disorderly conduct • Permitting underage drinking in your residence • Supplying, providing or purchasing alcohol for underage or intoxicated students • Possessing false identification • Possessing or using marijuana (less than one ounce) 	<ul style="list-style-type: none"> • Meeting with Class Dean • Referral to alcohol education • Parental notification 	<ul style="list-style-type: none"> • Meeting with Dean of Student Conduct • Referral to alcohol education • Parental notification • Possible sanctions include but are not limited to disciplinary probation, Room Draw or housing limitations, community service or suspension 	<ul style="list-style-type: none"> • Meeting with Dean of Student Conduct • Referral to alcohol education • Parental notification • Possible sanctions include but are not limited to disciplinary probation, Room Draw or housing limitations, community service or suspension
Level 3	1st Violation	2nd Violation	3rd Violation
<ul style="list-style-type: none"> • Operating a motor vehicle under the influence of AOD • Possessing, using or distributing illegal drugs (including one ounce or more of marijuana) 	<ul style="list-style-type: none"> • Meeting with Dean of Student Conduct • Referral to alcohol education • Parental notification • Possible sanctions include but are not limited to disciplinary probation, Room Draw or housing limitations, community service or suspension • Denial of parking privileges 		

Additional sanctions may be imposed for more serious violations. In some instances, violations may result in suspension or referral to the Committee on Discipline for adjudication.

AOD Medical Amnesty Statement

Amherst College is concerned about the use and abuse of alcohol and other drugs in our community. Alcohol abuse and illegal drug use affect the entire college community. The college's primary concern with AOD use is the safety and well-being of our students. Students are expected to abide by Massachusetts law and college policies. For students who choose to consume alcohol, the college expects they do so in moderation to avoid compromising personal safety.

Amherst acknowledges there may be times when students may face medical emergencies involving AOD use. In these situations, the college expects students to request emergency medical assistance for oneself or someone who may be suffering from a serious medical condition, including alcohol poisoning.

Symptoms of alcohol poisoning can include: unconsciousness or unresponsiveness, disorientation or confusion, slow breathing, vomiting or choking, and cold or pale skin. If the affected student is on campus, Amherst College Emergency

Medical Services (ACEMS) must be contacted at (413) 542-2111 and an Emergency Medical Technician (EMT) and First Responder (FR) will respond and evaluate the student. If medical assistance is deemed necessary, the college expects the student to accept transportation to the hospital for medical attention.

Because the safety and welfare of students is the college's priority, the college has instituted a medical amnesty policy. This policy is applicable to the following parties: 1) student requesting medical assistance for oneself; 2) student requesting medical assistance for another person; 3) student for whom medical assistance was provided.

When responding to such AOD violations, the college will consider the student's decision to request medical assistance, and in most cases, view the act of seeking medical assistance as good judgment, therefore not deserving of the typical range of AOD sanctions. Thus, if it is determined that the medical amnesty policy applies to a situation, the students involved will not be subject to a violation of the AOD Policy. Referral for AOD education still applies, and, in some instances, parental notification.

This policy does not protect students who repeatedly violate college policies. Once a student receives medical amnesty, future amnesty is at the discretion of the Dean of Students' Office. The Deans also have discretion to determine that this policy does not apply in more serious situations, including criminal possession of drugs, property damage, violence, etc.

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 advisor 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 or she believes that such grounds exist but nonetheless does not wish to submit formal charges, he or 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 or 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 advisor of his or her choosing from among the Amherst College faculty,

administration, staff or student body, and the student may be accompanied and represented by such an advisor 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 or 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 or she shall immediately initiate the procedure for the imposition of such sanctions as provided in Section III, 1.2 (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 or 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 or she must not discuss the case with the President.

In the case of a complaint against the Dean of the Faculty, his or 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 or 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 do 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.I.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 his or her 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 or 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 or 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 that 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 he or she 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.

The Resolution of Student Grievances with Administrators, Staff or Visitors

Student grievances against administrators or staff of the college or visitors to the college should be brought to the attention of the director of Human Resources or the director of the Office of Diversity and Inclusion. Such grievances against administrators or staff will be handled in accordance with the college's practices and procedures, such as those contained in the applicable employee handbook. The director of Human Resources or the director of the Office of Diversity and Inclusion will take appropriate action, which may include collaboration with Campus Police, in the case of grievances involving visitors.

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 call or stop by 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.

The Trustees' Resolution on Fraternities mandates that no college facilities shall be used by fraternities or sororities; there can be no such activities on campus. The Board established this rule to help ensure that our community lives up to its ideals of inclusivity and equality of opportunity. The Student Handbook clearly states that fraternities and sororities that conduct activities on campus, as well as students who participate in these activities, will be judged in violation of this resolution.

As a result of a serious violation involving the leadership and members of the off-campus fraternity Psi Upsilon, and on the advice of the College Council, the college now prohibits all students from joining this organization. The college will take disciplinary action against any student who is found to be a member of or participating in any activities sponsored by Psi Upsilon, whether those activities are held on or off campus. Disciplinary sanctions in such cases may include suspension or expulsion from the college.

In light of these events, members of other off-campus fraternities and sororities should be aware that the college will be monitoring their compliance with the Trustees' resolution and that any violations may result in the prohibition on membership being extended to all off-campus fraternities and sororities.

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 Campus Police at (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. A student who is called to jury duty and must miss class as a result is encouraged to notify his or her class dean, who will in turn notify the student's instructors. Generally, if students are called to jury duty, it is not possible to be exempted. However, in Massachusetts, if a student has served jury duty in his or her home state within the last three years, whether impaneled on a jury or not, that student can be disqualified from juror service by submitting a copy of his or her service certificate. Students can mail or fax their service certificates to:

Office of Jury Commissioner
560 Harrison Avenue, Suite 600
Boston, Massachusetts, 02118
Fax: (617) 422-5869

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 on the college website, 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.

Involuntary Withdrawals

The college reserves the right to exclude, at any time, students whose conduct it regards as unsatisfactory. Such conduct includes, but is not limited to, the following: A student engages in, or is at significant risk of engaging in, behavior that could result in physical harm to self or other(s); manifests an inability to attend to personal needs related to food, shelter, personal safety and general well-being, such that there is a reasonable possibility of serious physical harm; behaves in a manner that interferes substantially with the rightful daily activities of members of the college or surrounding community, with the educational and/or residential environment or with the orderly operation of the college, including behavior that imposes a significant burden on the college's human resources needed for continued management of such behavior; fails to pay term bill by the stated due date; fails to provide required immunization records by the stated deadline; fails to register as required at the beginning of each term. In addition, a student who has been granted make-up examinations or extensions of time beyond the end of the term in order to avoid failing those courses may be required to take a withdrawal. In such cases, fees are not refunded or remitted in whole or in part, and neither the college nor any of its officers will have any liability whatsoever for such exclusion. When withdrawals have been imposed by the class deans, the deans will specify any readmission requirements in writing and will indicate what academic work, if any, must be completed prior to readmission. A student may appeal an involuntary withdrawal to the dean of students or designee.