

AMHERST  
COLLEGE  
2013–14 STUDENT HANDBOOK  
In Brief

The complete *Handbook* can be found online at  
[www.amherst.edu/campuslife/deanstudents/handbook](http://www.amherst.edu/campuslife/deanstudents/handbook).

Amherst College

# 2013–14

# Student Handbook

# In Brief

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## **Preface**

This is the abbreviated version of the Student Handbook, containing information about various offices that provide services to students. It also includes the entire Honor Code, which includes important information about sexual misconduct, 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](http://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.

Jim Larimore  
Dean of Students

# Academic Calendar

August 25 (*Sun.*) New Student Orientation begins.

September 3 (*Tue.*) Fall semester classes begin.

September 11 (*Wed.*) Last day for fall semester course changes.

October 12–15 (*Sat.–Tue.*) Mid-Semester Break.

October 18–20 (*Fri.–Sun.*) Homecoming Weekend

November 1–3 (*Fri.–Sun.*) Family Weekend.

November 7–13 (*Thu.–Wed.*) Pre-registration for spring semester.

November 23–December 1 (*Sat.–Sun.*) Thanksgiving Recess.

December 11 (*Wed.*) Last day of fall semester classes.

December 16–20 (*Mon.–Fri.*) Fall semester examination period.

December 21 (*Sat.*) Winter Recess begins.

January 23 (*Thu.*) Spring semester classes begin.

January 31 (*Fri.*) Last day for spring semester course changes.

March 15–23 (*Sat.–Sun.*) Spring Break.

April 7–11 (*Mon.–Fri.*) Pre-registration for fall semester.

May 7 (*Wed.*) Last day of spring semester classes.

May 13–17 (*Tue.–Sat.*) Spring semester examination period.

May 25 (*Sun.*) Commencement.

Academic Calendar available online at:

[www.amherst.edu/aboutamherst/news/calendar/master](http://www.amherst.edu/aboutamherst/news/calendar/master)

# Student Services

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## Dean of Students Office

**105 Converse Hall, (413) 542-2337**

The Dean of Students Office is concerned with the personal, ethical and intellectual growth of students and their general welfare. Under the leadership of Dean Jim Larimore, 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; upholding the college's community standards and Honor Code; participating in the faculty and administrative formulation and evaluation of policies; and assuring that students' needs are considered in college decisions.

The Dean of Students Office is a gateway to a variety of support services and resources designed to maximize the educational experience and access for all students. To that end, the Career Center, the Counseling Center, the Health Center, Health Education, Religious Life, Residential Life, Student Activities and Student Conduct all report to the Dean of Students. In addition, programming and support services for students with disabilities, international students, transfer students, first-generation students and high financial need students can be accessed through the Dean of Students, as well.

The Dean's office supports a Class Dean system whereby a single dean is dedicated to the oversight and stewardship of each class year. This system allows us to direct administrative and personal attention to each student, and to establish one-on-one relationships whenever possible. For the 2013-2014 academic year the pairings are as follows: Dean of New Students and Professor of Chemistry Patricia O'Hara oversees the Class of 2017 and the transfer students, Dean and Professor of Psychology Allen Hart oversees the Class of 2016, Senior Associate Dean of Students Charri Boykin-East oversees the Class of 2015, and Assistant Dean of Students Denise McGoldrick oversees the Class of 2014.

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 Office.

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 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 should 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](http://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/academiclife/registrar/faqs/transcripts](http://www.amherst.edu/academiclife/registrar/faqs/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. 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 assessment, referral, counseling and brief psychotherapy to Amherst College students on a voluntary and confidential basis. The Counseling Center helps 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 wish to know more about themselves. There is no commitment involved in an initial meeting, and sitting down with a therapist is often the best way to decide if counseling might be useful. The Counseling Center has a diverse group of therapists who are trained in ways of listening to and helping students clarify various life dilemmas.

Sessions are scheduled according to what might be most practical and helpful. Some students get what they need with one or two sessions; others might continue longer. If the difficulty in question is beyond the Counseling Center's resources, such as a problem that deserves more intensive, specialized or longer-term therapy than we can provide, the Counseling Center can refer the students 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](http://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, coffeehouses 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.

## **The Multicultural Resource Center**

**Keefe Campus Center, First Floor**

The Multicultural Resource Center (MRC) offers students and the greater Amherst community programs and events centered around multiculturalism as it intersects with gender, sexuality, class and other aspects of our social identities. Newly renovated facilities include an open meeting space, conference table, lending library, television and movie station and academic resources. The Center is staffed by Interim Director Mariana Cruz, Area Coordinator Nick Cream and five peer programmers who hold daily office hours. The MRC works to create an Amherst community that is equitable, inclusive, and socially just for every person.

# The Queer Resource Center

## **The Queer Resource Center, Basement of Morrow Dormitory**

The Queer Resource Center serves as the center for resources for Amherst students interested in lesbian, gay, bisexual, transgender, queer, questioning, intersex, asexual and ally (LGBTQQIAA) issues. The Queer Resource Center has a library of LGBTQQIAA-themed books, movies, magazines and other information. It is staffed by Angie Tissi, Interim Coordinator of LGBTQQIAA 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.

# Women's and Gender Center

## **Keefe Campus Center, Room 103A**

The Women's and Gender Center seeks to foster a critical awareness of gender and create an intentional space, accessible to students of all genders, that will serve as a resource and forum for topics and issues related specifically to women and, more broadly, related to the experience of gender. The Women's & Gender Center (WGC) opened on the first floor of the Keefe Campus Center in the spring of 2013 after a student-led initiative won support for the expansion and relocation of the earlier established Women's Center. The center is staffed by Danielle Hussey, who will serve as Interim Director for the 2013-2014 academic year. Danielle is available to advise any student or organization, provide support for programming and manage overall operation of the WGC; in addition, she will work to bring student voices to the center of planning and further institutional development of the WGC. The Center has an exciting history, dating back nearly forty years, which is currently being researched and chronicled by two alumni researchers from the class of 2013. More information of WGC history, programming, open hours and other activities will be available during the fall semester.

# Amherst College Police

## **Emergency Numbers**

Amherst College 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.

## **Amherst College Police Department**

The Amherst College Police Department (ACPD) is responsible for keeping the peace and enforcing public laws and college regulations. Although ACPD 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.

Amherst College Police is staffed by 11 full-time officers under the direction of Chief of Amherst College Police John Carter. All ACPD officers are sworn police officers and exercise full police powers on all properties owned and used by Amherst College.

Amherst College Police maintains offices in the 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

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## 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 of the Honor Code, the student is entitled to have the complaint resolved through the adjudicatory 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 Sexual Misconduct Policy; Procedures for Addressing Sexual Misconduct Complaints Against Students Under Student Conduct Process; and Statement on Consensual Sexual Relationships Between Faculty Members and Students can be found in Appendices B, C and D, respectively.)

## 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, such as complaints of sexual misconduct, informal resolutions will not be offered as a grievance procedure. A student conduct process exists for those situations and acts which will not, or cannot, be resolved through amicable discussion. This Student Conduct Process does not pertain to cases involving sexual misconduct. For cases involving sexual misconduct refer to Appendix B.

**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. (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](http://www.amherst.edu/campuslife/deanstudents/handbook/fivecolleges).)

If a complaint is filed against a student for a 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, Amherst Campus Police, Title IX Coordinator, Title IX Deputy Coordinators or a member of the Title IX team, Faculty, Area Coordinators, Resident Counselors and Peer Advocates of Sexual Respect. See Appendix B 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 or Director of Human Resources, respectively. Students considering the initiation of criminal charges against another student may consult with the Campus Police, the Town of Amherst Police or the office of the Hampshire County District Attorney, in addition to those potential resources 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** (<https://www.amherst.edu/mm/77112/housing#regulations>) and in the statement on **Fire Policy** (<https://www.amherst.edu/mm/77112/housing#Fire>).

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.

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.
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. In cases in which the Dean of Students believes that a student might pose a 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 or designee, 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. If the case falls at the end of the term, the case may be adjudicated at the start of the following term.

### **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, Title IX Coordinators or a member of the Title IX teams and/or other appropriate officers of the college and parties listed in **Resources**, above.

## **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 or designee will ordinarily serve as nonvoting Chair, and the Dean of Student Conduct or designee 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 themselves from hearing a case, 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 or designee will schedule training for all members of the Committee on Discipline. In consultation with the Board, the Dean of Students or designee may, from time to time, schedule other such training to assist the Board.

### **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.
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. The Complainant and the Respondent will not be permitted to call a witness at the hearing 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.
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. To submit an appeal for cause to the Provost 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 student 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 or designee, 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.

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 or Privileges:** A student may be prohibited from living in residence, accessing particular areas of campus, 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 Provost. An appeal may come forward based on the following grounds:

- bias shown during any part of the Student Conduct Process;
- 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 Provost, which must state the grounds and reason for the appeal, within 10 business days of the date of the written finding.

Upon receipt of the statement of appeal, the Provost 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. The Provost may interview the parties to the dispute.

For an appeal of a decision by a Class Dean or the Dean of Student Conduct, the Provost 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 Provost 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 Provost, who will resolve the appeal.

The Provost will render a decision with such terms as the Provost determines to be appropriate. The Provost'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: 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 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 Academic 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** (<https://www.amherst.edu/mm/77112/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 B: College Sexual Misconduct Policy**

The **Statement on Respect for Persons** voted on by the faculty can be found in the Faculty Handbook at [https://www.amherst.edu/academiclife/dean\\_faculty/fph/fachandbook/facresponsibilities/academicregulations](https://www.amherst.edu/academiclife/dean_faculty/fph/fachandbook/facresponsibilities/academicregulations).

The Title IX Committee, appointed by the President, completed a comprehensive review of college sexual harassment statements and definitions. Effective May 2013, a detailed **Sexual Misconduct Policy**, including conduct procedures, definitions and resources was codified and is included in Appendices B and C.

### **I. PURPOSE AND SCOPE OF POLICY**

#### **1. Statement of Institutional Values**

Sexual misconduct of any form is a violation of a person's rights, dignity and integrity. An act of sexual misconduct represents a fundamental failure by a community member to recognize and respect the intrinsic worth and dignity of another. Acts of sexual misconduct are harmful and illegal and will not be tolerated at Amherst College. Such acts corrupt the integrity of the educational process, are contrary to the mission and values of the Amherst College community and are against college policy.

All members of the Amherst College community should be free from sexual misconduct in the classroom; the social, recreational and residential environment; and the workplace. The college seeks to foster a climate free from sexual misconduct through a coordinated education and prevention program and the promulgation of clear and effective policies, as well as investigative and grievance procedures that are prompt, equitable and accessible to all. In response to any reported sexual misconduct, the college will take all appropriate steps to eliminate the misconduct, prevent its recurrence and address its effects.

In order to foster a climate of respect for oneself and for one another and provide for the safety and security of our community, the college expects all community members to take action to prevent acts of sexual misconduct. Creating a safe campus environment is the responsibility of all members of the college community, both individually and collectively.

In order to foster a climate that encourages reporting of sexual misconduct, the college will actively educate the community, respond to all allegations promptly, will provide interim measures to address safety and emotional well-being and will act in a manner that recognizes the inherent dignity of the individuals involved.

In order to achieve equitable results, the college will carefully review and/or investigate all reports with an earnest intent to understand the perspective and experiences of each individual involved, and provide for fair and impartial evaluation and resolution.

## **2. Purpose of Policy**

The purpose of this policy is to provide the Amherst College community with a clearly articulated set of behavioral standards, common understandings of definitions and key concepts and descriptions of prohibited conduct. The policy applies to all community members, including students, faculty and staff. It is intended to protect and guide students, faculty and staff who have been affected by sexual misconduct, whether as a Complainant, a Respondent or a third party.

When used in this policy, "Complainant" refers to the individual who believes him- or herself to have been the subject of sexual misconduct. "Respondent" refers to the individual who has been accused of sexual misconduct. "Third party" refers to any other participant in the process, including a witness to the incident or an individual who makes a report on behalf of someone else. "Report" refers to any incident or concern regarding sexual misconduct that is reported to the college. A "complaint" is an allegation of sexual misconduct filed against a faculty or staff member or student that initiates the appropriate disciplinary process.

In addition to defining sexual harassment and the forms of sexual misconduct that violate the standards of our community, this policy will also:

- Identify resources and support for all members of the college community;
- Identify the Title IX Coordinator, Deputy Coordinators and their roles;
- Provide information about where a college community member can obtain support or access resources in a confidential manner;
- Provide information about how a college community member can make a report on campus or off campus; and
- Provide information about how a report against a college community member will be investigated, evaluated and resolved.

## **3. Scope**

As stated above, this policy applies to all members of the Amherst College community, including students, employees, visitors and independent contractors. When used in this policy, "employee" generally refers to both staff and faculty members, although there are separate complaint processes delineated for non-faculty employees and for faculty members. Vendors, independent contractors, visitors and others who conduct business with the college or on college property are also expected to comply with this policy.

All college community members are responsible for their actions and behavior, whether the conduct in question occurs on campus or in another location. Members of the Amherst College community have a responsibility to adhere to college policies and local, state and federal law.

As a result, this policy applies both to on-campus and off-campus conduct. In particular, off-campus behaviors that have an actual or potential adverse impact on any member of the college community or the college fall under this policy.

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, riding a Five Colleges bus or attending a college-related event for one of the Five Colleges, will be subject to Amherst policies as well as the policies of the visited institution. The student conduct procedures of the institution at which the accused student is enrolled shall govern.

(See the **Regulations and Procedures** section in the **Five College Cooperation** section of the online Student Handbook, found at [www.amherst.edu/campuslife/Deanstudents/handbook/fivecolleges](http://www.amherst.edu/campuslife/Deanstudents/handbook/fivecolleges).)

Any individual may make a report alleging a violation of this policy. The college will provide resource options and respond promptly and equitably to all allegations of sexual misconduct. The college will engage in a Title IX review throughout which it is committed to maintaining fairness for all parties and to balancing the needs and interests of the individuals involved with the safety of the community as a whole.

#### **4. Coordination with Non-Discrimination**

The college recognizes that harassment related to an individual's sex, sexual orientation, gender identity or gender expression can occur in conjunction with misconduct related to an individual's race, color, ethnicity, national origin, religion, age or disability. Targeting individuals on the basis of these characteristics is also a violation of the community standards. Under these circumstances, the college will coordinate the investigation and resolution efforts (see **Section X: Resolution Process for Complaints**) to address harassment related to the targeted individual's sex, sexual orientation, gender identity or gender expression together with the conduct related to the targeted individual's race, color, ethnicity, national origin, religion, age or disability.

## **II. NOTICE OF NON-DISCRIMINATION**

The college is committed to establishing and maintaining an environment free of all forms of harassment and discrimination for all college community members. The college does not discriminate on the basis of race, color, ethnicity, national origin, age, sex, sexual orientation, gender identity or expression, physical or mental disability, religion or any other protected class.

The college does not discriminate on the basis of sex in its educational, extracurricular, athletic or other programs or in the context of employment. Sexual misconduct, including sexual harassment as defined in this policy, is a form of sex discrimination that unjustly deprives a person of equal treatment. It is prohibited by Title IX of the Education Amendments of 1972, a federal law that provides that:

No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.

Sexual harassment is also prohibited under Title VII of the Civil Rights Act of 1964, Massachusetts General Laws Chapter 151B and other applicable statutes.

This policy prohibits sexual misconduct against all Amherst community members of any gender or sexual orientation. This policy also prohibits gender-based harassment that does not involve conduct of a sexual nature.

## **III. COLLEGE STATEMENT ON PRIVACY**

The college is committed to maintaining the privacy of all individuals involved in a report of sexual misconduct. In any Title IX review of an allegation of sexual misconduct, every effort will be made to protect the privacy and interests of the individuals involved in a manner consistent with the need for a thorough review of the allegation. Such a review is essential to protecting the safety of the Complainant, the Respondent and the broader campus community and to maintaining an environment free from sexual discrimination.

At all times, the privacy of the parties will be respected and safeguarded. Information related to a report of misconduct will be shared only with those college employees who "need to know" in order to assist in the investigation and/or resolution of the complaint. All college employees who are involved in the Title IX review process, including conduct board hearing members, have received specific training regarding the safeguarding of private information. Students or employees wishing to obtain confidential assistance

through on-campus or off-campus resources without making a report to the college may do so by speaking with professionals who are obligated by law to maintain confidentiality. These professionals are identified in the **Resources** section of this policy. As a reminder, students may seek confidential assistance on campus through Health Services, the Counseling Center or Religious Life Advisors. Employees may seek confidential assistance through the Employee Assistance Plan. Community resources include the Center for Women and Community, University Health Services and the New England Learning Center for Women in Transition.

When the college has received a report of sexual misconduct, but the Complainant requests that his/her identity remain confidential or that the college not pursue an investigation, the college will balance this request with its responsibility to provide a safe and non-discriminatory environment for all college community members. The college will take all reasonable steps to investigate and respond to the complaint consistent with the request for confidentiality or request not to pursue an investigation (see **Request for Confidentiality in Section VIII.5.**) At all times, the college will seek to respect the request of the Complainant, and where it cannot do so, the college will consult with the Complainant and keep him/her informed about the chosen course of action.

If a report of misconduct discloses an immediate threat to the college campus community, the college may issue a timely notice of the conduct to the community to protect the health or safety of the broader campus community. This notice will not contain any biographical or other identifying information. Immediately threatening circumstances include, but are not limited to, recently reported incidents of sexual misconduct that include the use of force, a weapon or other circumstances that represent a serious and ongoing threat to college students, faculty, administrators, staff or visitors. All resolution proceedings are conducted in compliance with the requirements of FERPA, the Clery Act, Title IX and college policy. No information shall be released from such proceedings except as required or permitted by law or college policy.

#### **IV. PROHIBITED CONDUCT AND DEFINITIONS**

The college prohibits sexual misconduct. Sexual misconduct is a broad term that includes but is not limited to sexual harassment, sexual violence, sexual exploitation, stalking, cyber-stalking, bullying and cyber-bullying, aiding or facilitating the commission of a violation, and retaliation.

Consistent with the values of an educational and employment environment free from harassment based on sex, the college also prohibits gender-based harassment, which may include acts of verbal, nonverbal or physical aggression, intimidation or hostility based on sex or sex-stereotyping, even if those acts do not involve conduct of a sexual nature.

##### **1. Definition of Sexual Harassment**

Sexual harassment is any unwelcome sexual advance, request for sexual favors, or other unwelcome verbal or physical conduct of a sexual nature when:

- Submission to or rejection of such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment, evaluation of academic work or participation in social or extracurricular activities;
- Submission to or rejection of such conduct by an individual is used as the basis for decisions affecting the individual; or
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance by creating an intimidating, hostile, humiliating, demeaning or sexually offensive working, academic or social environment. The effect will be evaluated based on the perspective of a reasonable person in the position of a Complainant.

A single or isolated incident of sexual harassment may create a hostile environment if the incident is sufficiently severe. The more severe the conduct, the less need there is to

show a repetitive series of incidents to provide a hostile environment, particularly if the harassment is physical.

## 2. Forms of Prohibited Sexual Harassment

Sexual harassment is prohibited. 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 can take many forms:

- It can occur between equals (e.g., student to student, staff to staff, faculty member to faculty member, visitor/contracted employee to staff) or between persons of unequal power status (e.g. supervisor to subordinate, faculty member to student, coach to student-athlete, student leader to first-year student). Although sexual harassment often occurs in the context of an exploitation of power by the individual with the greater power, a person who appears to have less power in a relationship can also commit sexual harassment (e.g., student harassing faculty member).
- It can be committed by an individual or may be a result of the collective actions of an organization or group.
- It can be committed against an individual, an organization or a group.
- It can be committed by an acquaintance, a stranger or someone with whom the Complainant has a personal, intimate or sexual relationship.
- It can occur by or against an individual of any sex, gender identity, gender expression or sexual orientation.
- It does NOT have to include intent to harm, be directed at a specific target or involve repeated incidents.

Examples of behavior that might be considered misconduct include, but are not limited to:

- Unwanted or inappropriate sexual innuendo, propositions, sexual attention or suggestive comments and gestures; humor and jokes about sex or gender-specific traits; sexual slurs or derogatory language directed at another person's sexuality or gender; insults and threats based on sex or gender; and other oral, written or electronic communications of a sexual nature that an individual communicates is unwanted and unwelcome;
- Written graffiti or the display or distribution of sexually explicit drawings, pictures or written materials; sexually charged name-calling; sexual rumors or ratings of sexual activity/performance; the circulation, display or creation of emails or websites of a sexual nature;
- Non-academic display or circulation of written materials or pictures degrading to one or more individuals or gender group (It is expected that instructors will offer appropriate warning regarding the introduction of explicit and triggering materials used in the classroom.);
- Inappropriate or unwelcome physical contact or suggestive body language, such as touching, patting, pinching, hugging, kissing or brushing against an individual's body;
- Undue and unwanted attention, such as repeated inappropriate flirting, inappropriate or repetitive compliments about clothing or physical attributes, staring, or making sexually oriented gestures;
- Physical coercion or pressure of an individual to engage in sexual activity or punishment for a refusal to respond or comply with sexual advances;
- Change of academic or employment responsibilities (increase in difficulty or decrease of responsibility) based on sex, gender identity/expression or sexual orientation;

- Use of a position of power or authority to: (1) threaten or punish, either directly or by implication, for refusing to tolerate harassment, for refusing to submit to sexual activity or for reporting harassment; or (2) promise rewards in return for sexual favors;
- Sexual assault;
- 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 or assault based on gender and/or in the context of intimate partner violence;
- Demeaning verbal or other expressive behavior of a sexual or gendered nature in instructional settings; and
- Acts of verbal, nonverbal or physical aggression, intimidation or hostility based on sex or sex-stereotyping. Harassment for exhibiting what is perceived as a stereotypical characteristic for one's sex, or for failing to conform to stereotypical notions of masculinity and femininity, regardless of actual or perceived sexual orientation or gender identity of the harasser or target.

### **3. Additional Forms of Prohibited Sexual Misconduct**

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.

- Sexual Violence: Physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent. This includes rape, sexual assault, battery and sexual coercion. Sexual violence may involve individuals who are known to one another or have an intimate and/or sexual relationship, or may involve individuals not known to one another. Examples include, but are not limited to:
  - Having or attempting to have sexual intercourse with another individual without consent. Sexual intercourse includes vaginal or anal penetration, however slight, with a body part or object or oral copulation by mouth-to-genital contact.
  - Having or attempting to have sexual contact with another individual without consent. Sexual contact includes kissing, touching the intimate parts of another, causing the other to touch one's intimate parts or disrobing of another without permission. Intimate parts may include the breasts, genitals, buttocks, mouth or any other part of the body that is touched in a sexual manner.
- Sexual Exploitation: An act or acts committed through non-consensual abuse or exploitation of another person's sexuality for the purpose of sexual gratification, financial gain, personal benefit or advantage or any other non-legitimate purpose. The act or acts of sexual exploitation are prohibited even though the behavior does not constitute one of the other sexual misconduct offenses. Sexual exploitation may involve individuals who are known to one another, have an intimate or sexual relationship, and/or individuals not known to one another. Examples include, but are not limited to:
  - Observing another individual's nudity or sexual activity or allowing another to observe consensual sexual activity without the knowledge and consent of all parties involved;
  - Non-consensual streaming of images, photography, video or audio recording of sexual activity or nudity, or distribution of such without the knowledge and consent of all parties involved;
  - Prostituting another individual;
  - Knowingly exposing another individual to a sexually transmitted disease or virus without his or her knowledge; and
  - Inducing incapacitation for the purpose of making another person vulnerable to non-consensual sexual activity.

- **Stalking:** A course of conduct involving more than one instance of unwanted attention, harassment, physical or verbal contact, or any other course of conduct directed at an individual that could be reasonably regarded as likely to alarm or place that individual in fear of harm or injury, including physical, emotional or psychological harm. This includes cyber-stalking, a particular form of stalking in which electronic media such as the Internet, social networks, blogs, cell phones, texts or other similar devices or forms of contact are used to pursue, harass or make unwelcome contact with another person. Stalking and cyber-stalking may involve individuals who are known to one another or have an intimate or sexual relationship, or may involve individuals not known to one another.
- **Aiding or Facilitating:** Aiding, facilitating, promoting or encouraging the commission of a violation under this policy. Aiding or facilitating may also include failing to take action to prevent an imminent act when it is reasonably prudent and safe to do so. Taking action may include direct intervention, calling Amherst College Police or local law enforcement, or seeking assistance from a person in authority.
- **Retaliation:** Acts or attempts to retaliate or seek retribution against the Complainant, Respondent or any individual or group of individuals involved in the investigation and/or resolution of an allegation of sexual misconduct. Retaliation can be committed by any individual or group of individuals, not just a Respondent or Complainant. Retaliation may include continued abuse or violence, other forms of harassment, slander and libel.

#### **4. Statement on Consent, Coercion, Incapacitation and Alcohol**

**Consent to engage in sexual activity must be knowing and voluntary.** Consent to engage in sexual activity must exist from the beginning to end of each instance of sexual activity and for each form of sexual contact. Consent to one form of sexual contact does not constitute consent to all forms of sexual contact. For example, an individual may agree to kiss but choose not to engage in touching of the intimate parts or sexual intercourse. An individual should obtain consent before moving from one act to another.

**Consent consists of an outward demonstration indicating that an individual has freely chosen to engage in sexual activity.** Consent is demonstrated through mutually understandable words and/or actions that clearly indicate a willingness to engage freely in sexual activity. Relying on non-verbal communication can lead to misunderstandings. Consent may not be inferred from silence, passivity, lack of resistance or lack of active response alone. A person who does not physically resist or verbally refuse sexual activity is not necessarily giving consent. In the absence of an outward demonstration, consent does not exist. If at any time it is reasonably apparent that either party is hesitant, confused or uncertain, both parties should stop and obtain mutual verbal consent before continuing sexual activity.

**A current or previous dating or sexual relationship, by itself, is not sufficient to constitute consent.** Even in the context of a relationship, there must be mutually understandable communication that clearly indicates willingness to engage in sexual activity each time such activity occurs.

**Consent may be withdrawn by either party at any time.** Withdrawal of consent must also be outwardly demonstrated by words or actions that clearly indicate a desire to end sexual activity. Once withdrawal of consent has been expressed, sexual activity must cease.

**In the state of Massachusetts, consent can never be given by minors under the age of 16.**

**Consent is not effective if it results from the use or threat of physical force, intimidation or coercion, or any other factor that would eliminate an individual's ability to exercise his or her own free will to choose whether or not to have sexual contact.** Coercion includes the use of pressure and/or oppressive behavior, including express or

implied threats of harm and/or severe and/or pervasive emotional intimidation, which places an individual in fear of immediate or future harm or physical injury or causes a person to engage in unwelcome sexual activity. A person's words or conduct amount to coercion if they wrongfully impair the other's freedom of will and ability to choose whether or not to engage in sexual activity.

**An individual who is incapacitated is not able to make rational, reasonable judgments and therefore is incapable of giving consent.** Incapacitation is the inability, temporarily or permanently, to give consent, because the individual is mentally and/or physically helpless due to drug or alcohol consumption, either voluntarily or involuntarily, or the individual is unconscious, asleep or otherwise unaware that the sexual activity is occurring. In addition, an individual is incapacitated if the individual demonstrates that they are unaware of where they are, how they got there, or why or how they became engaged in a sexual interaction. Where alcohol is involved, incapacitation is a state beyond drunkenness or intoxication. Some indicators of incapacitation may include, but are not limited to, lack of control over physical movements, lack of awareness of circumstances or surroundings or the inability to communicate for any reason. An individual may experience a blackout state in which he/she appears to be giving consent but does not actually have conscious awareness or the ability to consent. It is especially important, therefore, that anyone engaging in sexual activity be aware of the other person's level of intoxication. The relevant standard that will be applied is whether the Respondent knew, or a sober reasonable person in the same position should have known, that the other party was incapacitated and therefore could not consent to the sexual activity.

The college considers sexual contact while under the influence of alcohol to be risky behavior. Alcohol impairs a person's decision-making capacity, awareness of the consequences and ability to make informed judgments. Being intoxicated or impaired by drugs or alcohol is never an excuse for sexual misconduct and does not excuse one from the responsibility to obtain consent.

## V. RESOURCES

### 1. Overview

The college is committed to treating all individuals with dignity, care and respect. Any individual affected by sexual misconduct, whether as a Complainant, a Respondent or a third party, will have equal access to support and counseling services through the college. The college recognizes that any individual involved in an incident of sexual misconduct may have questions and we encourage Amherst community members to seek the support of campus and community resources. The college can provide guidance in making decisions, obtaining information about available resources and assisting either party in the event that a report and/or resolution is pursued. Individuals are encouraged to use all available resources, regardless of whether the incident occurred recently or in the past.

Complainants, Respondents and third parties can expect:

- The opportunity to meet with the Title IX or Deputy Title IX Coordinator or a member of the Title IX team to answer questions regarding the college's complaint processes for students and employees.
- Notice of confidential resources, including health care and mental health counseling services, on campus and in the local community.
- Notice of the option to pursue law enforcement action and to be assisted by Amherst College Police or other college officials in accessing and communicating with such authorities. This notice will include a discussion of the importance of the preservation of evidence.
- The opportunity to request that the college take steps to prevent unnecessary or unwelcome contact or communication with another member of the Amherst community.

- The right to be free from retaliation. Any concerns of retaliatory behavior should be immediately reported to Amherst College Police or the Title IX or Deputy Title IX Coordinator.

## 2. Confidential Resources and Support

The college encourages all Amherst community members to report an incident of sexual misconduct. The college recognizes, however, that there are many barriers to reporting, both individual and societal, and not every individual will choose to make a formal report with the college or with local law enforcement. For those individuals who are not prepared to make a report, there are several confidential resources available for students, staff and faculty. Individuals seeking to talk to someone about an incident of sexual misconduct in a confidential manner without making a report to the college or triggering any investigation or action by the college may utilize the following confidential medical, mental health and clerical resources. These resources hold a statutorily protected confidentiality that prohibits the release of an individual's information without that individual's express consent (except under limited circumstances that pose an imminent danger to the individual or to others.) The following resources are confidential:

On Campus	Off Campus
<p><b>Health Services</b> (413) 542-2266 Services are available during regular office hours.</p> <p><b>Counseling Center</b> (413) 542-2354 Counselors are available during regular office hours. The center is staffed by medical, psychiatric and psychological professionals.</p> <p><b>Religious Life Advisors</b> (413) 542-8149 Religious Life Advisors are available 24 hours a day through the Dean on Duty or Amherst College Police.</p> <p><b>For Employees:</b> Employee Assistance Plan (800) 828-6025</p>	<p><b>Center for Women and Community</b> (413) 545-0800 The CWC provides confidential crisis counseling 24 hours a day relating to rape or sexual assault.</p> <p><b>University Health Services</b> (413) 577-5000 Open daily 8 a.m. to 8 p.m.</p> <p><b>New England Learning Center for Women in Transition</b> (413) 772-0806 A confidential rape crisis hotline accessible 24 hours a day.</p>

## 3. Campus Resources

In addition to the confidential resources listed above, all Amherst community members have access to a variety of resources provided by the college that can provide crisis intervention services, counseling, academic support and medical services. All of the staff and faculty listed below are trained to support individuals affected by sexual misconduct and to coordinate with the Title IX Coordinator consistent with the college's commitment to a safe and healthy educational environment. While not bound by confidentiality, these resources will nevertheless maintain the privacy of an individual's information within the limited circle of those involved in the Title IX resolution process.

<p><b>Amherst College Police Department</b> (413) 542-2111 ACPD is available 24 hours a day.</p> <p><b>Dean of Students Office/ Dean on Duty</b> (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 Amherst College Police.</p> <p><b>Interim Dean of Student Conduct</b> Susie Mitton Shannon (413) 542-2337 Available during regular office hours for students interested in receiving information on filing a complaint through the college.</p> <p><b>Office of General Counsel</b> Lisa Rutherford (413) 542-2234 Available during regular office hours.</p> <p><b>Title IX Coordinator</b> See <a href="https://www.amherst.edu/aboutamherst/sexual_respect/whom-can-i-call">https://www.amherst.edu/aboutamherst/sexual_respect/whom-can-i-call</a>.</p>	<p><b>Title IX Deputy Coordinators</b> Available during regular office hours. Susie Mitton Shannon (students) (413) 542-2337 Jennifer Hughes (athletics) (413) 542-2362 Amanda Collings Vann (students) (413) 542-2337 Gregory Call (faculty) (413) 542-2334 Maria-Judith Rodriguez (staff, administration and visitors) (413) 542-2372</p> <p><b>Resident Counselors</b> RCs are students living in the residence halls that are employed by Residential Life and trained to refer students to campus resources.</p> <p><b>Peer Advocates of Sexual Respect</b> The Peer Advocates of Sexual Respect are students who receive intensive training and on-going supervision to act as an educational resource and referral source for students who are in need of support on issues of sexuality, relationships, trauma, violence and sexual respect or misconduct..</p>
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#### 4. Community Resources

Students, faculty and staff may also access resources located in the local community. These organizations can provide crisis intervention services, counseling, medical attention and assistance in interfacing with the criminal justice system. All individuals are encouraged to utilize the resources that are the best suited to their needs, whether on or off campus. In general, off-campus resources can provide assistance to individuals wishing to make a report to the college but will not notify the college without the consent of the Complainant. A list of resources in the local community is provided in **Section V.2**.

#### VI. REPORTING

All college employees, including faculty, staff and administrators, student employees who have a responsibility for student welfare and student volunteers who have a responsibility for student welfare, are required to share with a member of the Title IX team any report of sexual misconduct they receive or of which they become aware.

Examples of students who have a duty to share the information with the centralized Title IX team include, but are not limited to, Resident Counselors, Peer Advocates of Sexual Respect and Student Health Educators.

All Amherst community members, even those who are not obligated by this policy, are strongly encouraged to report information regarding any incident of sexual misconduct to a member of the Title IX team.

The Title IX team, working with the Title IX Coordinator, will ensure that the college responds to all reports in a timely, effective and consistent manner. The Title IX team

consists of the Amherst College Chief of Police, Title IX Coordinator, Deputy Title IX Coordinator(s), a representative of the Dean of Students Office, the Dean of the Faculty and the Director of Human Resources, as applicable. The team is charged with the review, investigation and resolution of all reports to ensure consistent responsiveness and the integrated provision of interim measures to support the individuals involved and to protect the campus community. It is only through this consistent and informed response that we create a culture of accountability and break the culture of silence. The Title IX team is positioned to provide seamless support, assess campus safety and effectively respond to allegations of sexual misconduct.

The college will promptly and thoroughly investigate and respond to all reports of sexual misconduct. The college will respond to all reports in an integrated, consistent manner that treats each individual with dignity and respect. The college will approach each report with an earnest intent to understand the perspective and experiences of each individual involved in order to ensure fair and impartial evaluation and resolution.

The college is committed to providing a variety of welcoming and accessible means so that all instances of sexual misconduct will be reported. The college also recognizes that the decision whether or not to report sexual misconduct is personal and that there are many barriers to reporting, both individual and societal. Not every individual will be prepared to make a report to the college or to law enforcement, and individuals are not expected or required to pursue a specific course of action.

An incident does not have to occur on campus to be reported to the college. Off-campus conduct that adversely affects the college or the Amherst community also falls under this policy.

An individual does not have to decide whether or not to request disciplinary action at the time the report is made. The college recognizes that choosing to make a report, and deciding how to proceed after making the report, can be a process that unfolds over time. The college will respect an individual's autonomy in making these important decisions and provide support that will assist each individual in making that determination.

As outlined in the **Resources** section of this policy, there are confidential resources on campus and in the community available to individuals not wishing to make a report to the college. Information shared with these confidential resources will not be reported to the college.

As outlined in the **College Statement on Privacy**, the college respects the privacy interests of students, faculty and staff. All information reported will be shared only with those college employees who will assist in the investigation and/or resolution of the complaint.

### **1. Emergency/Immediate Reporting Options**

The college encourages all individuals to seek assistance from a medical provider and/or law enforcement immediately after an incident of sexual misconduct. This is the best option to ensure preservation of evidence and to begin a timely investigative and remedial response. The college will assist any Amherst community member to get to a safe place and will provide transportation to the hospital, coordination with law enforcement, and information about the college's resources and complaint processes.

Assistance is available from the college 24 hours a day year-round by calling the Amherst College Police. Any individual can request that a member of the Amherst College Police respond and take a report, or request to speak with a Dean on Duty or a member of the Counseling Center. There is no requirement that an individual file an incident report with the Amherst College Police in order to speak with a Dean on Duty or a member of the Counseling Center.

A medical provider can provide emergency and/or follow-up medical services, and the ability to discuss any health care concerns related to the incident in a confidential medical setting may bring peace of mind. The medical exam has two goals: first, to

diagnose and treat the full extent of any injury or physical effect (sexually transmitted infection or pregnancy) and second, to properly collect and preserve evidence. There is a limited window of time (typically 72 to 96 hours) following an incident of sexual assault to preserve physical and other forms of evidence. Taking the step to gather evidence immediately does not commit an individual to any course of action. The decision to seek medical attention and gather any evidence will remain confidential and preserve the full range of options to seek resolution through the college's complaint processes or through the pursuit of criminal action.

<b>Emergency Response</b>	<b>Health and Safety</b>
911 <b>Amherst College Police Department</b> (413) 542-2111 <b>Amherst (Town) Police Department</b> (413) 259-3000	<b>Amherst College Health Services</b> (413) 542-2266 <b>Cooley Dickinson Hospital</b> (413) 582-2000

## 2. Campus Reporting Options

The college recognizes that a student or employee may choose to report sexual misconduct to any trusted employee of the college. For example, a student may choose to confide in a Resident Counselor, a faculty member or a coach, all of whom are considered “responsible employees” who must report the incident under this policy. An employee may choose to confide in a supervisor, also considered a “responsible employee.” Under this policy, any employee who receives a report of sexual misconduct must share the report with the Title IX Coordinator or a member of the Title IX team. The Title IX Coordinator and Title IX team are specifically charged with investigating and responding to allegations of sexual misconduct.

To enable the college to respond to all reports in a prompt and equitable manner, the college encourages all individuals to directly report any incident of sexual misconduct to the Title IX Coordinator or a member of the Title IX team:

<p><b><i>For Complaints Against Any Amherst Community Member:</i></b></p> <p><b>Amherst College Police</b>            (413) 542-2111            Available 24 hours a day.</p> <p><b>Title IX Coordinator</b>            See: <a href="https://www.amherst.edu/aboutamherst/sexual_respect/whom-can-i-call">https://www.amherst.edu/aboutamherst/sexual_respect/whom-can-i-call</a>.</p> <p><b><i>For Complaints Against Faculty:</i></b></p> <p><b>Dean of the Faculty and Deputy Title IX Coordinator</b>            Gregory Call            (413) 542-2334            Available during regular office hours.</p>	<p><b><i>For Complaints Against Students:</i></b></p> <p><b>Sexual Respect Educator and Deputy Title IX Coordinator</b>            Amanda Collings Vann            (413) 542-2337            Available during regular office hours.</p> <p><b>Head Coach of Women's Soccer and Deputy Title IX Coordinator</b>            Jen Hughes            (413) 542-2362            Available during regular office hours.</p> <p><b>Interim Dean of Student Conduct and Deputy Title IX Coordinator</b>            Susie Mitton Shannon            (413) 542-2337            Available during regular office hours.</p>
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<p><b><i>For Complaints Against Staff, Administration and Visitors:</i></b></p> <p><b>Director of Human Resources and Deputy Title IX Coordinator</b>          Maria-Judith Rodriguez          (413) 542-2372          Available during regular office hours.</p>	<p><b>Dean of Students/Dean on Duty</b>          (413) 542-2337          Available during regular office hours or 24 hours a day by calling Amherst College Police</p>
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### **3. Anonymous Reporting**

Any individual may make an anonymous report concerning an act of sexual misconduct. An individual may report the incident without disclosing his/her name, identifying the Respondent or requesting any action. Depending on the level of information available about the incident or the individuals involved, however, the college's ability to respond to an anonymous report may be limited. Anonymous reports may be made by telephone at (888) 497-1022 or online at [www.amherst.ethicspoint.com](http://www.amherst.ethicspoint.com). EthicsPoint is a service that allows anyone to report suspected misconduct or other issues with complete confidentiality. This service allows the person making the report and college administrators to confer about additional details, while the reporting party's identity remains confidential. All reports will go to the Title IX Coordinator.

### **4. Reporting Patterns of Sexual Harassment**

In the event that an individual believes that he or she may be experiencing behavior that points to a pattern of sexual harassment, he or she should document that behavior and report it to a member of the Title IX team.

### **5. Time Frame for Reporting**

Individuals are encouraged to report sexual misconduct immediately in order to maximize the college's ability to respond promptly and equitably. The college does not, however, limit the timeframe for reporting. The college will not be able to pursue disciplinary action against an individual who is no longer affiliated with the college. Under those circumstances, the college will still conduct a Title IX review.

### **6. Coordination with Law Enforcement**

The college encourages Complainants to pursue criminal action for incidents of sexual misconduct that may also be crimes under Massachusetts law. In every case of sexual violence, the college, through the Chief of Amherst College Police, will notify the Amherst (Town) Police Department of the allegations. The college will also assist a Complainant in making a criminal report and will cooperate with law enforcement agencies if a Complainant decides to pursue the criminal process to the extent permitted by law. However, a Complainant may also choose not to pursue criminal action, and under most circumstances, the Amherst Police Department will not force a Complainant to pursue charges if he/she is not willing to do so.

The college's policy, definitions and burden of proof may differ from Massachusetts criminal law. A Complainant may seek resolution through the college's complaint process, may pursue criminal action, may choose one but not the other, or may choose both. Neither law enforcement's determination whether or not to prosecute a Respondent nor the outcome of any criminal prosecution are determinative of whether sexual misconduct under this policy has occurred. Proceedings under the college's Sexual Misconduct Policy may be carried out prior to, simultaneously with or following civil or criminal proceedings off campus.

## **7. Amnesty for Students who Report Sexual Misconduct**

The college encourages reporting and seeks to remove any barriers to reporting by making the procedures for reporting transparent and straightforward. The college recognizes that an individual who has been drinking or using drugs at the time of the incident may be hesitant to make a report because of potential Honor Code consequences for his/her own conduct. An individual who reports sexual misconduct, either as a Complainant or as a third-party witness, will not be subject to disciplinary action by the college for his/her own personal consumption of alcohol or drugs at or near the time of the incident, provided that any such violations did not and do not place the health or safety of any other person at risk. The college may, however, initiate an educational discussion or pursue other educational remedies regarding alcohol or other drugs. The amnesty policy applies to the college's Student Conduct Process.

## **8. Bystander Intervention**

The college expects all community members to take reasonable and prudent actions to prevent or stop an act of sexual misconduct. Taking action may include direct intervention, calling law enforcement or seeking assistance from a person in authority. Community members who choose to exercise this positive moral obligation will be supported by the college and protected from retaliation.

## **9. Statement Against Retaliation**

It is a violation of college policy to retaliate in any way against an individual or a group because the individual or group of individuals reported an allegation of sexual misconduct.

The college recognizes that retaliation can take many forms, may be committed by an individual or a group against an individual or a group and that a Respondent can also be the subject of retaliation by the Complainant or a third party. The college will take immediate and responsive action to any report of retaliation and may pursue disciplinary action as appropriate. An individual reporting sexual misconduct is entitled to protection from any form of retaliation following a report that is made in good faith, even if the report is later not proven.

## **VII. INTERIM MEASURES**

Upon receipt of a report, the college will provide interim support and reasonable protective measures to prevent further acts of misconduct and to provide a safe educational and work environment. The college will determine the necessity and scope of any interim measures. Even when a Complainant or Respondent does not specifically request that protective action be taken, the college may choose to impose interim measures at its discretion to ensure the safety of any individual, the broader college community or the integrity of the review process.

Students seeking such assistance should speak with the Title IX Coordinator or a Deputy Title IX Coordinator for Students, who will coordinate such requests on the behalf of the student. The college will maintain contact with the parties to ensure that all safety and emotional and physical well-being concerns are being addressed.

All individuals are encouraged to report concerns about failure of another individual to abide by any restrictions imposed by an interim measure. The college will take immediate and responsive action to enforce measures previously ordered or implemented by the college.

The college may impose any remedy that can be tailored to the involved parties to achieve the goals of this policy, even if not specifically listed here. The range of interim measures may include:

**No-Contact Order:** A Complainant or Respondent may request, or the college may impose, communication and contact restrictions to prevent further potentially

harmful interaction. These communication and contact restrictions generally preclude in-person, telephone, electronic or third-party communications. In some cases, an individual may also wish to consider an Abuse Prevention Order or a Harassment Prevention Order from the local courts. This is a civil proceeding independent of the college. If a court order is issued the college will, to the extent possible, assist the protected person in benefiting from the restrictions imposed by the court and will also facilitate on campus compliance with the order. The college may also limit an individual or organization's access to certain college facilities or activities as part of the no-contact order.

**Academic, Employment or Residence Modifications:** A Complainant or Respondent may request an academic or employment accommodation or a change in residence after a report of sexual misconduct. An individual who requests assistance in changing their academic or living situation after an incident of sexual misconduct will receive appropriate and reasonably available accommodations. These may include:

- Academic accommodations, including a change in class schedule, taking an incomplete, dropping a course without penalty, attending a class via Skype or other alternative means, providing an academic tutor or extending deadlines for assignments;
- Change of dormitory assignment;
- Change in work assignment or schedule;
- Providing an escort to ensure safe movement between classes and activities.

**Emotional Support:** The college will provide counseling services through the Counseling Center or will assist in providing a referral to off-campus agencies as detailed in the **Campus Resources** and **Community Resources** sections of this policy. Counseling and emotional support is available to any member of the campus community.

**Interim Separation:** Where the report of sexual misconduct poses an ongoing risk of harm to the safety or well-being of an individual or members of the campus community, the college may place an individual or organization on interim suspension or impose leave for an employee. Pending resolution of the complaint, the individual or organization may be denied access to campus. When interim suspension or leave is imposed, the college will make reasonable efforts to complete the investigation and resolution within an expedited time frame.

## VIII. TITLE IX REVIEW

### 1. Role of the Title IX Coordinator

The Title IX Coordinator oversees the college's centralized review, investigation and resolution process for reports of sexual misconduct and coordinates the college's compliance with Title IX. The Title IX Coordinator is supported by several college administrators who serve as Deputy Title IX Coordinators. Each is knowledgeable and trained in state and federal laws that apply to matters of sexual harassment, as well as college policy and procedure.

The Title IX and Deputy Title IX coordinators can be contacted by telephone, by email or in person during regular office hours. For a comprehensive list, see [https://www.amherst.edu/aboutamherst/sexual\\_respect/whom-can-i-call](https://www.amherst.edu/aboutamherst/sexual_respect/whom-can-i-call).

The duties and responsibilities of the Title IX and Deputy Title IX Coordinators include training, education and climate checks as well as the oversight of procedures that promptly and equitably eliminate sexual harassment, prevent its recurrence and address its effects on individuals and our community. The Title IX and Deputy Title IX Coordinators will:

- Oversee the investigation and resolution of all reports of sexual misconduct;
- Meet with any individual, whether a Complainant, a Respondent or a third party, to discuss interim measures, resources and procedural options on and off campus;

- Ensure prompt and equitable resolutions that comply with all requirements and timeframes specified in the complaint procedures;
- Conduct ongoing and annual climate checks, tracking and monitoring of sexual misconduct allegations on campus; and
- Coordinate all training, education and prevention efforts.

## **2. Role of the Title IX Team**

While a report may emerge through many sources, the college is committed to ensuring that all reports are brought to the college's Title IX team. This interdepartmental team, led by the Title IX Coordinator, ensures consistent application of the policy to all individuals and allows the college to respond promptly and equitably to eliminate the misconduct, prevent its recurrence and address its effects. The Title IX team coordinates the review, investigation and resolution of the report and ensures that all appropriate interim measures are implemented. Members of the Title IX team include the Title IX Coordinator, Deputy Title IX Coordinators, the Dean of Students, the Dean of Student Conduct, the Director of Human Resources, the Chief of Amherst College Police, the Dean of Faculty and others as may be necessary.

College policy requires that any employee who receives a report of sexual misconduct bring the report to the Title IX Coordinator or a member of the Title IX team.

The Title IX team oversees the resolution of reported misconduct through the college's complaint processes. The process will be determined by the role of the Respondent:

- Complaints against students will be resolved by the Student Complaint Process.
- Complaints against employees will be resolved by the Employee Complaint Process.
- Complaints against faculty will be resolved by the Faculty Complaint Process.

Each process is guided by the same principles of fairness and respect for all parties. Resources are available for both students and employees, whether as Complainants or Respondents, to provide guidance throughout the investigation and resolution of the complaint.

## **3. Initial Assessment**

The college will address all reports of sexual misconduct. The Title IX team, under the leadership of the Title IX Coordinator, will oversee the college's Title IX review process.

In every report of sexual misconduct, the college, through a Title IX team member will make an initial assessment of any risk of harm to individuals or to the campus community and will take steps necessary to address those risks. These steps will include interim measures to provide for the safety of the individual and the campus community.

The college's responsibility to review and respond to all allegations of misconduct exists regardless of whether that review culminates in additional investigation or goes before a Hearing Board and exists independently of the criminal justice process.

## **4. Investigation**

The Title IX team member may determine if an investigation of the report of sexual misconduct should be conducted. This determination is based on a variety of factors, such as the Complainant's wish to pursue disciplinary action, the risk posed to any individual or the campus community by not proceeding and the nature of the allegation. The Title IX team member may designate an investigator of his or her choosing. Any investigator used by the college, whether internal or external, must have specific training and experience investigating allegations of sexual misconduct.

The investigator will coordinate the gathering of information from the Complainant, the Respondent and any other individuals who may have information relevant to the

determination. The investigator will also gather any available physical or medical evidence, including documents, communications between the parties and other electronic records as appropriate. The investigator may also consider prior allegations of, or findings of responsibility for, sexual misconduct by the Respondent. In gathering such information, the investigator will comply with applicable laws and Amherst College policies. The investigation will be thorough, impartial and fair, and all individuals will be treated with appropriate sensitivity and respect.

As described in the **College Statement on Privacy** section, all college investigations will respect individual privacy concerns.

Information gathered during the investigation will be used to evaluate the responsibility of the Respondent, provide for the safety of the individual and the college campus community and impose remedies as necessary to address the effects of the alleged conduct. Any investigative report will serve as the foundation for all related resolution processes.

## **5. Request for Confidentiality**

Where the college has received a report of sexual misconduct, but the Complainant requests that his/her identity remain confidential or that the college not pursue an investigation, the college must balance this request in the context of its responsibility to provide a safe and non-discriminatory environment for all college community members. The college will take all reasonable steps to investigate and respond to the complaint consistent with the request for confidentiality or request not to pursue an investigation, but its ability to investigate may be limited by the request for confidentiality. Under these circumstances, the college will weigh the request for confidentiality against the following factors: the seriousness of the alleged harassment, any potential threats to community safety, the respective ages and positions of the Complainant and the Respondent, whether there have been other harassment complaints against the Respondent, and the Respondent's right to receive information under applicable law.

At all times, the college will seek to respect the request of the Complainant, and where it cannot do so, the college will consult with the Complainant and keep him/her informed about the chosen course of action.

## **6. Time Frame for Resolution**

The investigation and resolution (including appeal) of all reports will generally be completed within 60 to 90 days. Extenuating circumstances including the complexity and severity of a complaint may arise that require the complaint process to extend beyond 60 to 90 days. In general, a Complainant and Respondent can expect to receive periodic updates as to the status of the review or investigation.

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.

# **Appendix C: Procedures for Addressing Sexual Misconduct Complaints Against Students Under the Student Conduct Process**

## **I. INTRODUCTION**

The college has established a Sexual Misconduct Policy that articulates the college's set of behavioral standards, common understandings of definitions and key concepts and descriptions of prohibited conduct. The policy also outlines the college's approach to addressing reports of sexual misconduct which may include responding to a complaint filed under the Student Conduct Process. Below are the procedures for adjudicating a sexual misconduct complaint against a student through the Student Conduct Process.

## II. PRELIMINARY MATTERS

### 1. Timing of Complaints:

So long as the Respondent is a student at the college as defined in the Student Conduct Process (see **Jurisdiction** section of the **Student Conduct Process**), there is no time limit to filing a complaint to engage the Student Conduct Process. However, students are strongly encouraged to report sexual misconduct in a timely manner to maximize the college's ability to obtain evidence and conduct a thorough, impartial and reliable investigation. Where the Respondent is a second-semester senior, the college may withhold that student's Amherst College degree pending conclusion of the student conduct proceedings.

### 2. Jurisdiction:

See the **Jurisdiction** section of the Student Honor Code.

### 3. Effect of Criminal Proceedings:

The filing and processing of a complaint of sexual misconduct is independent of any criminal investigation or proceeding. The college will not wait for the conclusion of any criminal investigation or proceedings to commence its own investigation and proceedings outlined herein. Neither law enforcement's determination whether or not to prosecute a Respondent nor the outcome of any criminal prosecution are determinative of whether sexual misconduct under the college policy occurred.

### 4. Effect of Pending Complaint on Respondent:

If the Respondent is a current student, no notation will be placed on the Respondent's transcript of a complaint or pending disciplinary action during the Student Conduct Process. If the Respondent withdraws from the college while a sexual misconduct complaint is pending, the Respondent's transcript will reflect a withdrawal and a notation of pending disciplinary action subject to modification to reflect the outcome of the disciplinary action.

### 5. Amnesty:

An individual who files a sexual misconduct complaint or serves as a third-party witness during the Student Conduct Process will not be subject to disciplinary action by the college for his or her own personal consumption of alcohol or drugs at or near the time of the alleged sexual misconduct, provided that such violations did not and do not place the health or safety of any other person at risk. The college may initiate educational discussion or pursue other educational remedies regarding alcohol or other drugs.

### 6. Advisor:

Complainant and Respondent both have the right to be assisted by an Advisor provided by the college during the Student Conduct Process. The Complainant will be offered an Advisor at the time the complaint is filed and the Respondent will be offered an Advisor at the time he or she is notified of the complaint. The Complainant and Respondent may select from the list maintained by the Dean of Students of trained Advisors or decline the assistance of an Advisor. An Advisor serves to guide the student through the pre-hearing and hearing process and may accompany the student to any meeting with a college employee and to the hearing. The Advisor is not an advocate for the student and may not direct questions to or otherwise address the Sexual Misconduct Hearing Board (Hearing Board) but may consult with the student that he or she is assisting.

### 7. Attorneys:

The Complainant and Respondent have the right to consult private attorneys, at their own expense, regarding a complaint. Attorneys cannot participate in the Hearing Board process. Attorneys may be present on campus during a hearing; however, they are required to remain outside of any hearing room. An attorney may be present to provide legal counsel to the Chair and to the Hearing Board members.

## **8. Agreements Not Recognized by the College:**

Other than a judicial order, the college will not recognize agreements between the Complainant and Respondent in which the college did not participate.

## **9. Time Frames:**

Generally the college will attempt to complete the process within 60 days. However, the time frames set forth in these procedures are meant to provide guidance and the college may alter or extend time frames, with notice to the parties, as appropriate.

## **10. Communications:**

All communications and notices required by these procedures may be made electronically, in hard copy or in person.

# **III. INITIATING A COMPLAINT**

## **1. Individual**

A person who has experienced an incident of sexual misconduct, as defined in the **College Sexual Misconduct Policy**, may file a complaint against the Amherst College student responsible for that conduct. "Person" may include any member of Amherst College, including students, faculty, administrators and staff members, visitors or members of one of the constituent institutions of the Five Colleges.

## **2. Administrative**

In exceptional cases, such as cases threatening community safety, the college may initiate a complaint through the Dean of Student Conduct against a student of the college. As set forth in the Sexual Misconduct Policy, reports of sexual misconduct undergo a Title IX Review to determine the appropriate response.

# **IV. FILING REQUIREMENTS**

The person bringing the allegation is called the Complainant. The Complainant will submit a Complaint Form (paper or electronic format) to the Dean of Student Conduct. The Complaint Form should contain sufficient information to permit the Respondent to understand the charges being brought and to be able to adequately respond. The Complaint Form may not reflect every detail related to the allegations in the complaint as additional information may be discovered during the investigation.

# **V. INFORMATION FOR COMPLAINT**

After receipt of the Complaint, the Dean of Student Conduct or designee will notify the Complainant of the option to have an Advisor provided by the college and will give the Complainant a list of Advisors from which to select. The Dean of Student Conduct or designee will also provide Complainant information regarding the rights and responsibilities of the Complainant and Respondent, explain the prohibition against retaliation, explain the Hearing Board process, instruct the Complainant not to destroy any potentially relevant documentation in any format, and give the Complainant a copy of the relevant policies.

# **VI. INTERIM MEASURES**

Upon the filing of a complaint, the Dean of Student Conduct or designee will review the allegations and determine the necessity and scope of any interim measures to prevent further acts of harassment, misconduct or retaliation and to provide a safe educational and work environment. The range of interim measures may include, but not be limited to:

- No-Contact Order
- Academic, Employment or Residence Modifications
- Emotional Support
- Interim Suspension

## **VII. WITHDRAWAL OF COMPLAINT**

Prior to a hearing before the Hearing Board, the Complainant may withdraw the sexual misconduct complaint. Withdrawal of the complaint will, in most circumstances, end the Student Conduct Process. The college reserves the right to move forward with the Complaint, even after the Complainant withdraws it, in order to protect the interests and safety of the college community.

## **VIII. RESPONDING TO COMPLAINT**

### **1. Notification of Respondent:**

The person against whom the complaint is filed is called the Respondent. The Respondent will be notified that a complaint alleging sexual misconduct has been filed against him or her.

### **2. Information for Respondent:**

Within three days of receiving notice of the complaint, the Respondent must meet with the Dean of Student Conduct or designee. The Dean of Student Conduct or designee will provide the Respondent with a copy of the Complaint Form, discuss the nature of the complaint, provide the option to select an Advisor from the list of trained Advisors, explain the rights and responsibilities of the Complainant and Respondent, explain the prohibition against retaliation, explain the Hearing Board process, instruct the Respondent not to destroy any potentially relevant documentation in any format, and give the Respondent a copy of the relevant policies. The Respondent must submit a written response within three business days of receipt of the complaint. If Respondent fails to meet and cooperate with the Dean of Student Conduct or designee or Investigator, the adjudication of the complaint will proceed without input from the Respondent.

### **3. Acceptance of Responsibility:**

After reviewing the Complaint Form and meeting with the Dean of Student Conduct or designee, the Respondent may choose to end the Student Conduct Process by accepting responsibility for the conduct alleged in the Complaint Form. If the Respondent accepts responsibility for the conduct alleged in the Complaint form, the process may, but will not necessarily, proceed to the Investigation Phase. The Dean of Student Conduct or designee will initiate the Hearing Board process to determine an appropriate sanction for the Respondent. If the Respondent disputes the allegations of the Complaint, the matter will proceed to an investigation.

At any point in the process, the Respondent may accept responsibility for the conduct alleged in the Complaint. In such cases, the process will immediately move to the Hearing Board for a decision regarding sanctioning. The Dean of Student Conduct may impose sanctions for violations of the Code.

## **IX. INVESTIGATION PHASE**

### **1. Investigator:**

The Dean of Student Conduct or designee will designate an Investigator of its choosing to conduct a thorough, impartial and fair investigation. The Investigator chosen will have specific training and experience investigating allegations of sexual misconduct.

### **2. Investigation Process:**

The Investigator will coordinate the gathering of information from the Complainant, Respondent and other individuals or entities with relevant information regarding the complaint using any of the following processes. The Investigator will share with the Complainant and Respondent for comment or rebuttal information and documentation considered material to the findings related to the complaint.

#### **a. Document/Records Review**

In addition to reviewing any documents submitted by the Complainant and Respondent, the Investigator will try to obtain such other physical or medical

evidence relevant to the investigation as the Investigator determines, in his or her judgment, to be necessary, including but not limited to documents, police records, electronic or other record of communications between the parties or witnesses, records or other relevant information. In obtaining such evidence, the Investigator will comply with applicable laws and Amherst College policies.

b. Site Visits

The Investigator may visit relevant sites or locations and record observations through written or photographic documentation.

c. Complainant and Respondent Interviews

The Investigator will interview the Complainant and the Respondent separately and may interview one or both more than once as necessary. The Complainant and Respondent may be accompanied by their respective Advisors.

d. Witness Interviews

The Investigator will make a good-faith effort to contact and interview any witnesses identified by the parties or in the documentation, including those no longer at the college. The Investigator may also interview any other individual he or she finds to be potentially relevant to the allegations of the complaint. The Investigator will inform each witness or other individual interviewed that they are prohibited from retaliating against the Complainant and Respondent or other witnesses.

e. Experts

The Investigator may contact any expert the Investigator determines is necessary to ascertain the facts related to the complaint. An expert witness may be contacted for an informal consult or for a professional opinion regarding information learned from the investigation.

### **3. Report:**

a. Contents

The Investigator will prepare an Investigative Report summarizing and analyzing the relevant facts determined through the Investigation, referencing any supporting documentation or statements. The Investigative Report may include summaries of interviews with the Complainant, Respondent, third-party witnesses, experts and any other individuals with relevant information; photographs of relevant sites or physical evidence; electronic records and forensic evidence. The Investigator may provide a summary of his/her impressions including context for the evidence, but will not make a determination as to whether a violation occurred, reserving that decision for the Hearing Board.

b. Distribution to Parties

The Dean of Student Conduct will provide the Complainant and the Respondent with a copy of the Investigative Report before the Hearing.

## **X. RESOLUTION**

### **1. Voluntary Resolution:**

A Complainant and a Respondent may choose to resolve a complaint through voluntary resolution. Voluntary resolution may include conflict mediation or a restorative conference with a college community member. However, voluntary resolution may only be used:

- a. Prior to a Notice of Hearing being issued;
- b. When the Dean of Students or designee determines this is a suitable option for resolving the concern, and both the Complainant and Respondent agree to use the process;
- c. When the complaint does not involve sexual violence as defined in the Sexual Misconduct Policy.

Because the outcomes of voluntary resolution conversations are mutually developed and agreed upon by parties involved, an appeal of the process and its result is not permitted. If the parties are unable to agree on a voluntary resolution, the matter will be referred by the Dean of Student Conduct or designee to the Hearing Board. No statements made during the voluntary resolution process may be introduced before the Hearing Board.

## **2. Sexual Misconduct Hearing Process:**

### **A. Composition of Hearing Board**

Hearings to address complaints of sexual misconduct shall be conducted by the Sexual Misconduct Hearing Board except that the Provost may determine an alternate Hearing Board composition if a full Hearing Board cannot reasonably be convened. The Hearing Board for a particular hearing comprises three persons that are drawn from a pool of individuals from the community, including the Five College Consortium. All Hearing Board members will have prior experience in, and will receive annually training regarding, the dynamics of sexual misconduct, the factors relevant to a determination of credibility, the appropriate manner in which to receive and evaluate sensitive information, the manner of deliberation and the application of the preponderance-of-the-evidence standard, as well as the college's policies and procedures. The Dean of Students or designee will serve as the non-voting Chairperson and as an advisor to the Hearing Board. Hearing Board members shall not consist of faculty, staff or students at Amherst College.

### **B. Notice of Hearing**

The Dean of Student Conduct or designee will issue a Notice of Hearing to the Complainant and the Respondent electronically or in person. The Notice of Hearing will identify the date, time and place of the hearing and state the names of the persons serving on the Hearing Board for the case. The Notice of Hearing will be sent at least seven days prior to the hearing date.

### **C. Pre-Hearing Procedures**

#### **1. Meeting with Complainant and Respondent**

As soon as possible after issuing the Notice of Hearing, the Dean of Student Conduct or designee may meet individually with Complainant and Respondent and their respective Advisors to discuss the hearing process and answer any questions.

#### **2. Deadlines**

##### **a. Request to Reschedule Hearing**

Either party may request to reschedule the hearing. Requests to reschedule must come directly from the Complainant or Respondent, must be submitted to the Dean of Student Conduct at least two days prior to hearing, whenever possible, and must specify the reasons for the request. The Dean of Student Conduct will decide whether to grant such request.

##### **b. Request to Remove Board Member**

The Complainant and Respondent may submit written requests to the Dean of Student Conduct asking that a member of the Hearing Board be removed if there are reasonable articulable grounds to suspect bias, conflict of interest or an inability to be fair and impartial. The written request must identify the grounds for the removal and be received by the Dean of Student Conduct within three days following delivery of the Notice of Hearing. The Dean of Students will decide whether to grant such request. Removal of a Hearing Board member may require that the hearing be rescheduled.

##### **c. Witness Lists**

If the Complainant or Respondent wishes to call witnesses at the hearing, each must submit a list of witnesses to the Dean of Student Conduct or

designee serving as Chair of the Hearing Board. Generally, neither party will be permitted to call character witnesses nor any person who was not interviewed by the Investigator. The witness list must be submitted no later than three days prior to the hearing date. For any witness not interviewed by the Investigator, the following information is required at the time the witness list is submitted:

- Names of witnesses the party intends to call
- A written statement and/or description of what each witness observed
- A summary of why the witness' presence is relevant to making a decision on the complaint
- The reason why the witness was not interviewed by the Investigator.

The Dean of Students or designee will determine if there is sufficient justification for permitting a witness who was not interviewed by the Investigator. The Dean of Students or designee may also require that the Investigator interview the newly suggested witness. The approved witness list will be shared with the parties and the Hearing Board prior to the hearing.

The Hearing Board may call any witness it deems to have relevant information.

### 3. Documentation and Evidence

#### a. Not Provided to Investigator

The Complainant or Respondent may wish to present additional documentation or other evidence at the hearing that was not provided to the Investigator. Within three days prior to the hearing date they must submit to the Dean of Students or designee serving as Chair of the Hearing Board the list of documents or other evidence. The list of documents must contain the following information:

- Identification and description of the document or other evidence the party intends to present.
- A summary of why the document or other evidence is relevant to making a decision on the complaint.
- The reason why the document or other evidence was not provided to the Investigator.

The Dean of Students or designee will determine if the additional documentation or other evidence is relevant and if there is sufficient justification for permitting its use at the hearing where it was not provided to the Investigator. The Dean of Students or designee may also require that the Investigator review the additional documentation or other evidence. If the additional documentation or evidence is approved, it will be shared with the parties and the Hearing Board prior to the hearing.

#### b. Prior Sexual History, Bad Acts or Pattern Evidence

In general, in a case where the Respondent raises consent as a defense, any prior consensual relationship between the parties may be deemed relevant but not necessarily determinative. As noted in the Sexual Misconduct Policy, a current or previous dating or sexual relationship, by itself, is not sufficient to constitute consent. Generally, prior sexual history of the Complainant or Respondent will not be allowed. However, in limited circumstances, such as pattern evidence, it may be relevant in the determination of responsibility or, in the case of Respondent, assigning of a sanction. Additionally, a prior finding (post appeal rights) of responsibility for a similar act of sexual misconduct will always be deemed relevant and may be considered in making a determination as to responsibility and/or assigning of a sanction.

If either party wishes to bring forth information concerning the other party's sexual history, bad acts or pattern evidence, such requests must be

made to the Dean of Students. The Dean of Students or designee serving as Chair of the Hearing Board will judge the admissibility of such information. To aid in an advance determination of relevance, the following must be submitted no later than three days before the hearing to the Dean of Student Conduct:

- A written statement and/or description of the proposed information, if not already provided during investigation; and
- A summary of why this information is relevant to making a decision of responsibility at the hearing.

The Dean of Students or designee will determine if the information concerning prior sexual history, bad acts or pattern evidence is appropriate for inclusion at the hearing.

#### 4. Impact Statement

The Complainant and the Respondent each have the right to prepare an Impact Statement to be considered by the Hearing Board while determining sanctions. Impact Statements are optional and are permitted in addition to any information provided during the hearing. Each party can prepare a written statement and provide it in a sealed envelope to the Chair on the day of the hearing. The statements will be opened only if the Respondent is found responsible. Otherwise, they will be destroyed by the Chair.

### D. Hearing Requirements

#### 1. Participants

Those who may be present at the hearing are the Complainant, the Respondent, their respective Advisors, the Investigator, witnesses and other college officials. The Investigator and witnesses may be present in the hearing room when they are providing information to the Hearing Board. The Complainant and Respondent will be present in the hearing room, unless as prescribed under Alternative Attendance.

#### 2. Attendance

##### a. Failure to attend

If a party fails to attend a hearing for any reason other than an emergency, the hearing may be held in his or her absence. A student called as a witness who fails to testify may be found responsible for violating the Honor Code.

##### b. Alternative Attendance

A Complainant or Respondent may also request participation in the hearing by other suitable means that would not require physical proximity to the other. This can include, but is not limited to, partitioning a hearing room or using technology to facilitate participation. The Hearing Board may also allow for witnesses to appear through other technological means. All requests to participate in the hearing other than in person must be reviewed in advance by the Dean of Students or designee as Chair to ensure compliance with a fair and equitable process.

#### 3. Standard of Proof

The Hearing Board will determine the Respondent's responsibility by a preponderance-of-the-evidence standard which is whether the information provided at the hearing supports a finding that it is "more likely than not" that the Respondent is responsible for the alleged violation(s).

#### 4. Recording Proceedings

Hearings before the Hearing Board are audio-recorded for the purpose of (1) reference by the Hearing Board or Chair during deliberations, (2) review by the Provost or appeals panel during an appeal, (3) to serve as the official record of the hearing and (4) to be available to the Complainant or Respondent

should either wish to file an appeal. The Hearing Board's deliberations are not audio-recorded.

#### E. Conducting the Hearing

##### 1. Call to Order

The Dean of Students or designee serving as the Chair of the Hearing Board will call the hearing to order. The Chair will explain the hearing process and provide an opportunity for all parties to ask procedural questions prior to initial statements and the presentation of information. The Chair will ask each individual present to state their name and identify their role during the hearing.

##### 2. Confidentiality

The Chair will inform parties that the proceedings are confidential as required under the Family Educational Rights and Privacy Act (FERPA) and that information received at the hearing should not be shared outside the hearing room except as allowed by FERPA or other applicable law.

##### 3. Investigator Presentation

The Investigator will present to the Hearing Board all pertinent information regarding the incident in question, including but not limited to the Investigative Report, written statements, documents, photographs, oral statements from the parties and witnesses and any other items or information. The Hearing Board may first ask questions of the Investigator, followed by the Complainant and then the Respondent.

##### 4. Complainant's Presentation

The Complainant may present his or her own account of the events. The Hearing Board may ask Complainant questions, followed by the Respondent. The Respondent's questions must be directed through the Chair. The Chair will ask the Complainant those questions that are deemed relevant. A similar process will be followed for each witness offered by the Complainant. Once a witness is done presenting information and answering questions, he or she will be asked to leave the hearing room.

##### 5. Respondent's Presentation

The Respondent may present his or her own account of the events. The Hearing Board may ask the Respondent questions, followed by the Complainant asking the Respondent questions. The Complainant's questions must be directed through the Chair. The Chair will ask the Respondent those questions that are deemed relevant. A similar process will be followed for each witness offered by the Respondent. Once a witness other than a party is done presenting information and answering questions, he or she will be asked to leave the hearing room.

##### 6. Recall of Witnesses

The Hearing Board reserves the right to recall any party or witness during the hearing process for further questions and to seek additional information necessary to make a decision.

##### 7. Summary Statements

Upon conclusion of the presentation of information by the Investigator, parties and witnesses, the Complainant and the Respondent may make brief summary statements to the Hearing Board. The Complainant will present his or her summary statement first, followed by the Respondent.

##### 8. Deliberation

At the conclusion of the hearing, everyone other than the Chair, the college's legal counsel and the Hearing Board members will be dismissed from the hearing room to allow the Hearing Board to deliberate in private. The Chair and the college's legal counsel may remain for deliberations but may not participate in the deliberations and may not vote. The Hearing Board must reach a decision

on responsibility by majority vote. The Dean of Student Conduct, or designee, will provide the Board with violation precedence and a student conduct history (if applicable). If the Hearing Board finds responsibility, it will deliberate regarding the appropriate sanction(s) and reach a decision by majority vote. The votes themselves will not be shared with the parties, only the decision on responsibility and any applicable sanction. The Hearing Board may schedule additional meetings to complete deliberations if necessary.

#### 9. Sanctions

If the Hearing Board finds the Respondent responsible for violations of the **Sexual Misconduct Policy** and/or other college policies, the Hearing Board will impose appropriate sanctions by selecting from the range of sanctions outlined in the **Student Conduct Process**. Sanctions may be issued individually or in combination with other sanctions. In determining the appropriate sanction(s), the Hearing Board may consider a number of factors, including the harm suffered by the Complainant; any ongoing risk to either the Complainant or the community posed by the Respondent; the impact of the violation(s) on the community, its members or its property; any previous conduct violations; any mitigating or aggravating circumstances; and the information contained in any impact statements submitted by the parties.

#### 10. Notice of Outcome

Generally, the Hearing Board will communicate the result of the hearing and any sanction(s) to the Respondent and the Complainant within three days from the date the Hearing Board's deliberations concluded and such communication will be in writing.

### F. Appeal Process

#### 1. Eligibility and Timeline

Either party may request an appeal within seven days from the time of notification of the decision by the Dean of Students Office.

#### 2. Grounds

The appeal may be based only on one or more of the following grounds:

- Material procedural error;
- Bias by the Chair or a member of the Hearing Board;
- Relevant, substantive and new information, not available at the time of the hearing.

#### 3. Filing

Appeals must be in writing and submitted to the Provost. The appeal shall consist of a written statement explaining the grounds for the appeal.

#### 4. Granting Review of Appeal

The Provost or designee shall determine whether grounds for appeal have been met within seven business days after the timely receipt of appeal. If the Provost determines the grounds have not been met, the party who submitted the appeal will be notified. If the grounds for appeal have been met, each party will be notified. The party not submitting the appeal will be given three days to submit a written response to the Provost. The appeal will be reviewed by a three-person panel (Appeals Panel), consisting of the Provost and two members from the Sexual Misconduct Hearing Board pool who were not involved in the initial hearing. A meeting of the Appeals Panel will be scheduled within 14 days of the Provost's determination to grant review of the appeal. In most cases, it should be possible to convene an Appeals Panel. However, if a full Appeals Panel cannot, in the judgment of the Provost, reasonably be convened, those cases may be reviewed by the Provost or designee sitting without an Appeals Panel. In the absence of the Provost, the President will designate another individual to serve the role of the Provost in this appeal process.

#### 5. Standard of Review

The appeal is based on the record and is limited to the three possible bases for appeal. The appeal is not a *de novo* review.

#### 6. Appeals Panel Decision

The Appeals Panel shall consider the merits of an appeal only on the basis of the three grounds for appeal and supporting information provided in the written request for appeal, any response to the request for appeal, and the record of the original hearing. Any decision of the Appeals Panel shall be made by majority vote. The vote itself shall not be shared with the parties. The parties will be advised only of the decision on responsibility. The Appeals Panel can affirm the original findings, alter the findings and/or alter the sanctions. If the appeal is based on procedures not having been followed in a material manner, and the Appeals Panel deems that information to be clear and convincing, the Appeals Panel can direct that a new hearing occur before a panel composed of a new board of hearing officers. In the case of new and relevant information, the Appeals Panel can direct that the case be returned to the original Hearing Board to assess the weight and effect of the new information and render a determination after considering the new facts. The Appeals Panel will communicate the result of the appeal to the Complainant and Respondent within five days from the date the Appeal Panel concluded its deliberations and will do so in writing. Appeal decisions are final.

#### G. Records Maintained

The hearing audio-recording, together with the documents, information and other evidence presented at the hearing, will serve as the record of the hearing proceedings and will be maintained by the Dean of Student Conduct as part of the Respondent's conduct record.

If a student has been found responsible by the Hearing Board for violating the Sexual Misconduct Policy, such records shall be used in reviewing any further conduct issues, or developing sanctions, and shall remain a part of a student's conduct record.

Generally suspension, expulsion and withdrawal pending disciplinary action are permanently noted on a student's transcript. The conduct files of students who have been suspended or expelled from the college are maintained in the Dean of Students Office for no fewer than five years after their departure from the college.

## **Appendix D: 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 E: 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 potentially subject to heavy fine and to jail or prison sentence. The purchase, sale or consumption of many drugs is also prohibited by law, and violation can result in prison sentence.

While the college need not act as an agent for the civil authorities, it will regard any student under the influence of intoxicants or drugs as fully responsible for 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, bong, 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:
    - 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.
    - 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.
    - 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.
    - After two violations of the college's policy on AOD, a social group will be denied permission to hold a party for a month.
    - 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.
    - 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.
    - 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](http://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"> <li>• Possession of alcohol by an underage student</li> <li>• Possessing drug paraphernalia, such as a pipe, bong or hookah (used for marijuana consumption)</li> <li>• Possessing alcohol paraphernalia associated with the dangerous consumption of alcohol, such as a beer pong table or funnel</li> <li>• Open container</li> </ul>	<ul style="list-style-type: none"> <li>• Meeting with Class Dean</li> <li>• Referral to alcohol education</li> </ul>	<ul style="list-style-type: none"> <li>• Meeting with Class Dean</li> <li>• Referral to alcohol education</li> <li>• Parental notification</li> </ul>	<ul style="list-style-type: none"> <li>• Meeting with Dean of Student Conduct</li> <li>• Referral to alcohol education</li> <li>• Parental notification</li> <li>• Possible sanctions include but are not limited to disciplinary probation, Room Draw or housing limitations, community service or suspension</li> </ul>
Level 2	1st Violation	2nd Violation	3rd Violation
<ul style="list-style-type: none"> <li>• Public intoxication or disorderly conduct</li> <li>• Permitting underage drinking in your residence</li> <li>• Supplying, providing or purchasing alcohol for underage or intoxicated students</li> <li>• Possessing false identification</li> <li>• Possessing or using marijuana (less than one ounce)</li> </ul>	<ul style="list-style-type: none"> <li>• Meeting with Class Dean</li> <li>• Referral to alcohol education</li> <li>• Parental notification</li> </ul>	<ul style="list-style-type: none"> <li>• Meeting with Dean of Student Conduct</li> <li>• Referral to alcohol education</li> <li>• Referral to alcohol education</li> <li>• Parental notification</li> <li>• Possible sanctions include but are not limited to disciplinary probation, Room Draw or housing limitations, community service or suspension</li> </ul>	<ul style="list-style-type: none"> <li>• Meeting with Dean of Student Conduct</li> <li>• Referral to alcohol education</li> <li>• Parental notification</li> <li>• Possible sanctions include but are not limited to disciplinary probation, Room Draw or housing limitations, community service or suspension</li> </ul>

Level 3	1st Violation	2nd Violation	3rd Violation
<ul style="list-style-type: none"> <li>•Operating a motor vehicle under the influence of AOD</li> <li>•Possessing, using or distributing illegal drugs (including one ounce or more of marijuana)</li> </ul>	<ul style="list-style-type: none"> <li>•Meeting with Dean of Student Conduct</li> <li>•Referral to alcohol education</li> <li>•Parental notification</li> <li>•Possible sanctions include but are not limited to disciplinary probation, Room Draw or housing limitations, community service or suspension</li> <li>•Denial of parking privileges</li> </ul>		

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 that do not involve sexual harassment or sexual misconduct 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 the Dean of Students, a Class Dean, a member of the faculty (sometimes, especially, the student's faculty advisor or the chair of the student's major department) or an Area Coordinator.

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, I.2 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. Advisors may assist the parties in preparing the case. Advisors are present at the hearing not to serve as legal counsel, but to support and advise the parties. Advisors 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 responsible or not responsible, 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 responsibility requires a majority vote of the Hearing Board. The Hearing Board will prepare a written report summarizing the evidence, its determination of responsible or not responsible 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 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:

1. Inform the Dean that the Appeal Board upholds the decisions of the Hearing Board and the Dean.
2. 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.
3. 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.
4. 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 responsible 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 responsible 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 which 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. 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 will take appropriate action, which may include collaboration with Amherst College 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 impris-

onment 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.

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 2013–14 edition of the *Student Handbook In Brief* was edited by Brianda Reyes '14 with assistance from Katherine Duke '05. The complete *Handbook* can be found online at [www.amherst.edu/campuslife/deanstudents/handbook](http://www.amherst.edu/campuslife/deanstudents/handbook).