

# AMHERST COLLEGE

## 2016-17 Student Code of Conduct

*The Honor Code, Community Standards, Policies,  
and Conflict Resolution Processes*



AMHERST  
COLLEGE

2016-17  
**Student Code of Conduct**

The Honor Code, Community Standards, Policies,  
and Conflict Resolution Processes

*A publication of the Office of Student Affairs*

## **AMHERST COLLEGE STUDENT RESOURCES**

### **Accessibility Services**

211 Converse Hall (413) 542-2337  
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### **Student Affairs Case Managers**

202 Converse Hall (413) 542-2337  
showard@amherst.edu

### **Student Conduct & Community Standards**

202 Converse Hall (413) 542-2337  
communitystandards@amherst.edu

### **Residential Life**

Keefe Campus Center, Lower Level (413) 542-2161  
reslife@amherst.edu

### **Student Activities**

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studentactivities@amherst.edu

### **Religious and Spiritual Life**

Cadigan Center (413) 542-8149  
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### **Diversity & Community**

Keefe Campus Center, Lower Level (413) 542-2912  
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### **International Students and Global Engagement**

219 Keefe Campus Center (413) 542-5840  
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### **Multicultural Resource Center**

112 Keefe Campus Center (413) 542-5372  
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### **Queer Resource Center**

Morrow Residence Hall, Basement (413) 542-5114  
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### **Women & Gender Center**

103A Keefe Campus Center (413) 542-5667  
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**Career Center**

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careers@amherst.edu

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**Financial Aid**

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Charri Boykin-East, Class of 2019 cjboykineast@amherst.edu  
Anna Martini, Class of 2018 ammartini@amherst.edu  
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**Moss Quantitative Center**

202 Merrill Science (413) 542-8331  
jbinnes@amherst.edu

**Peer Tutoring**

201 Converse Hall (413) 542-2337

**Writing Center**

101 Charles Pratt Hall (413) 542-2139  
writing@amherst.edu

**HEALTH, WELLNESS, & SAFETY****Counseling Center**

Scott House (413) 542-2354  
(Counselor available by phone 24-hours/day)  
counsctr@amherst.edu

**Keefe Student Health Center**

95 College Street (413) 542-2267

*(Advice nurse available by phone 24-hours/day)*

healthservice@amherst.edu

**Health Education**

Keefe Health Center, Second Floor (413) 542-2760

dmcgoldrick@amherst.edu

**Amherst College Police/ACEMS**

Service Center, 6 East Drive

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

**Administrator-on-Call**

(413) 542-2111

*(Available 24-hours/day via ACPD)*

**Title IX Coordinator**

105 Converse Hall (413) 542-5707

lfrankl@amherst.edu

**Center for Women & Community (off campus)**

180 Infirmery Way, UMass (413) 545-0800 *(24-hour rape crisis hotline)*

cwcmail@admin.umass.edu

# Amherst College

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*The Honor Code, Community Standards, Policies, and Conflict Resolution Processes*

Preface.....	6
Chapter I. College Standards .....	7
Section 1. Amherst College Honor Code .....	7
Section 2. Examples of Violations of the <i>Student Code of Conduct</i> (formerly <i>Appendix A</i> ) .....	10
Section 3. College Sexual Misconduct Policy (formerly <i>Appendix B</i> ) .....	13
Section 4. Alcohol and Other Drugs (formerly <i>Appendix E</i> ).....	34
Section 5. Hazing .....	39
Section 6. Fraternities.....	40
Trustees’ Statement, February 1984 .....	40
College Council Statement on the Feb. 1984 Fraternity Policy .....	41
Trustees’ Reaffirmation on the 1984 Resolution on Fraternities .....	42
Section 7. Residential and Community Life .....	42
Section 8. Support Animals .....	48
Section 9. Fire and Life Safety .....	51
Section 10. Traffic and Parking.....	69
Section 11. Student Profit-Making Enterprises .....	71
Chapter II. College Adjudication Processes.....	72
Introduction to College Adjudication Processes.....	72
Section 12. The Community Standards Adjudication Process ( <i>CSAP</i> ).....	73
Section 13. The Sexual Misconduct Adjudication Process (formerly <i>Appendix C</i> ) .....	92
Section 14. College Sanctions.....	108
Section 15. The Resolution of Student Grievances with Members of the Faculty .....	110
Section 16. The Resolution of Student Grievances with Administrators, Staff, or Visitors.....	116
Chapter III. Select College Policies.....	116
Section 17. Consensual Sexual Relationships Between Faculty Members and Students (formerly <i>Appendix D</i> ).....	116
Section 18. Involuntary Withdrawals .....	117
Section 19. Student Records.....	118
Section 20. Image Release Policy.....	120
Section 21. Legal Aid .....	120
Section 22. Jury Duty .....	120

## Preface

Dear Amherst College students, faculty, staff, family, and friends,

Students' lives at Amherst College are vibrant and complex webs of intellectual and interpersonal pursuits. The College has developed resources across many decades to provide for a campus environment that nurtures discourse through research, dissent, skepticism and debate. We expect that our students will actively engage with these resources and with each other toward a better understanding of self and communities, local and distant.

In recent years the College has published printed and web-based student handbooks that have contained policy, procedures, and student support information. For the 2016-17 academic year the College is no longer producing a handbook (print or online), as its overall online web presence provides the most accurate, updated information about College opportunities and services. The College introduces this document, the *Student Code of Conduct*, which contains the Honor Code, specific community standards, and adjudication procedures.

Our pluralism of ideas and passions will inevitably, on occasion, lead to conflicts that detract from our constructive educational climate. Whether in the classroom, on a playing field or within a residence hall, unresolved conflict is the focus of an adjudication's goal of employing transparent and equitable procedures that fuse rights and responsibilities. We believe in a process that holds students accountable in a manner that respects their adulthood and their self-determination to make decisions based on as much data and considered factors as possible.

Keep this code close by and become familiar with its contents. Even if you are never a party to an adjudication yourself, your understanding of the rights and responsibilities that all students share will increase dialog and awareness about how we might best live, study and play together.

Respectfully,

Alex Vasquez  
Dean of Students

# Chapter I. College Standards

## Section I. Amherst College Honor Code

### 1.0. 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*. 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 Community Standards Adjudication Process as appropriate to address behavior that 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.

By matriculating at the College, 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 that 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 Code of Conduct* or in other documents of the College, and that is determined by the College to warrant adjudication, 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 responding student is entitled to have the complaint resolved through the adjudicatory processes described below. If the student is found responsible at the conclusion of this process, appropriate sanctions will be assigned.

### **1.1. 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.

### **1.2. 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 that 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 sanctioned (please see also Section 3, *College Sexual Misconduct Policy*; Section 13, *The Sexual Misconduct Adjudication Process*; and Section 17, *Consensual Sexual Relationships Between Faculty Members and Students*).

### **1.3. Statement of Freedom of Expression and Dissent**

Amherst 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 abridgment 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.

### **1.4. 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:

- 1.4.1. The right to engage in the free exchange of ideas.
- 1.4.2. The right to protest and to dissent in a peaceable manner and to join with others in other nonviolent forms of common action.
- 1.4.3. The right to complain of injustice and to bring grievances to the appropriate offices of the College without fear of retaliation.
- 1.4.4. The right to attend functions and to utilize College facilities, subject to prescribed rules.
- 1.4.5. The right to reasonable peace and quiet in residential and academic facilities and to an atmosphere conducive to work and study.
- 1.4.6. 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.

1.4.7. 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.

## **Section 2. Examples of Violations of the *Student Code of Conduct (formerly Appendix A)***

### **2.0. Introduction**

Any of the following acts can constitute a violation of the *Student Code of Conduct* and of the standards designed to assist individuals at the College toward the full enjoyment of their rights. The violations listed here are intended to be illustrative rather than exhaustive. Cross references direct the reader to subsequent code sections that may contain additional standards and clarifications. Students are expected to adhere to all policies, rules, and procedures posted by College departments and offices that may not also be included in this code. A student who violates a local, state, or federal law, domestically or internationally, may also face adjudication in one of the College processes listed in Chapter II, *Introduction to College Adjudication Processes*.

### **2.1. Violence**

Abusive, disruptive, or harassing behavior, verbal or physical, which endangers another's mental or physical health, including but not limited to threats, intimidation, acts of violence, assault, and relationship violence including behaviors described in Section 3, *College Sexual Misconduct Policy*. Respondents found responsible for violating this subsection will usually be assigned disciplinary probation, suspension, or expulsion. Interim measures may also be applied in cases involving this behavior (see Section 12.8, *Interim and Emergency Measures*).

### **2.2. Bias-Based Misconduct**

Activity that constitutes 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 (see Section 1.2, *Statement on Respect for Persons* and Section 3, *College Sexual Misconduct Policy*).

### **2.3. Disruption of College Function**

Disruption or obstruction of teaching, research, administration, student adjudication proceedings, or other College activities or disruption or interference with the exercise by members of the College community of their rights under Section 1.3, *Statement of Freedom of Expression and Dissent*.

### **2.4. Intellectual Responsibility**

Violations of intellectual responsibility, such as academic dishonesty, cheating, plagiarism, or any misrepresentation of classroom, laboratory, or other course-related work (see Section 12.7, *Alleged Violations of Intellectual Responsibility*).

## **2.5. Reasonable Request Compliance**

Failure to comply with a reasonable request by an official or agent of the College.

## **2.6. False Testimony**

Refusing to appear or giving false testimony when one is asked to present evidence in any case involving the *Student Code of Conduct* (see Section 12.14.2, *Witness Availability and Obligations*).

## **2.7. Abuse of College Equipment and Facilities**

**2.7.1.** Abuse or destruction of equipment or property belonging to the College.

**2.7.2.** Disregard for the rules governing the use of or access to College facilities and services for which specific restrictions have been established and made public.

## **2.8. Use of Computers and Networks**

Theft or other abuse of College computing facilities and networks, including, but not limited to:

**2.8.1.** Unauthorized entry into a file, to use, read, or change the contents, or for any other purpose.

**2.8.2.** Unauthorized transfer of a file.

**2.8.3.** Use of another individual's identification and password, regardless of whether permission was granted by the holder of the account.

**2.8.4.** Use of computer facilities or networks to interfere with the work of another student, faculty member, or College official.

**2.8.5.** Use of computing facilities or networks to send obscene or abusive messages.

**2.8.6.** Use of networks or computing facilities to interfere with normal operation of the College computing system.

## **2.9. Vandalism**

Causing physical damage to the buildings, furnishings, or other property of the College (see also Section 7, *Residential and Community Life* and Section 9, *Fire and Life Safety*).

## **2.10. Theft**

Theft or attempted theft of personal or College property, including intellectual property. Theft includes a student who accesses or attempts to access privileges or services to which the student is not entitled.

## **2.11. Weapons, Explosives, Ammunition**

Possession, use, or distribution of firearms, ammunitions or explosives or of other weapons (see Section 9, *Fire and Life Safety*).

## **2.12. Drug/Alcohol Use, Possession, and Distribution (see Section 4, *Alcohol and other Drugs*)**

2.12.1. The possession, use, distribution, or sale of illegal drugs.

2.12.2. The unauthorized possession or distribution of alcohol or legal drugs.

## **2.13. Fraud**

2.13.1. Altering, forging, or contributing to fraudulent use of College transcripts, identification (IDs) or other official, non-College records.

2.13.2. Altering or forging the signature of an Academic Advisor on a program or change-of-program form or forging the signature of any other College official on a College document.

2.13.3. Use of another person's College identification card, regardless of whether permission was granted.

## **2.14. Self-Identification**

Knowingly giving false information, refusing to identify oneself, or refusing to present College identification to Amherst College Police or to other authorized College personnel.

## **2.15. Motor Vehicle Use**

2.15.1. Inappropriate operation of a motor vehicle on campus, including while intoxicated (see Section 10, *Traffic and Parking*).

2.15.2. Inappropriate use or operation of College-owned vehicles, whether on or off campus.

## **2.16. Fire and Life Safety**

Fire and life safety 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 (see Section 9, *Fire and Life Safety Standards*).

## **2.17. Hazing**

Violation of the Commonwealth of Massachusetts law prohibiting the practice of hazing (see Section 5, *Hazing*).

## **2.18. Fraternity Policy**

Violation of fraternity policies (see Section 6, *Fraternities*).

## **2.19. Residential and Community Life**

Violation of any regulations governing the use of College housing, as specified in Section 7, *Residential and Community Life* and Section 9, *Fire and Life Safety*. Potential violations include, but are not limited to, damage to individual rooms or common areas, violation of the prohibition on unauthorized animals or pets in residence halls (see Section 8, *Support Animals*), or violation of the prohibition on dropping or throwing objects from windows.

## **2.20. Retaliation**

Acts of retaliation against an individual who initiates a report or complaint to the College or who participates in any College adjudication process (see Chapter II, *Introduction to College Adjudication Processes*).

# **Section 3. College Sexual Misconduct Policy (formerly Appendix B)**

*The Statement on Respect for Persons voted on by the faculty can be found in the Faculty Handbook.*

## **3.1. Purpose And Scope of Policy**

### **3.1.1. 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 to 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, will respond to all allegations promptly, will provide interim measures to address safety, emotional well-being and academic needs 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.

### **3.1.2. 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, regardless of sexual orientation or gender identity. It is intended to protect and guide students, faculty, staff and visitors 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 themselves 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 disclosed to the Title IX Coordinator, one of the Deputy Title IX Coordinators or any other College employee as identified in Section VI: Reporting. A “complaint” is an allegation of sexual misconduct filed against a faculty or staff member, student or visitor 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

1. Identify resources and support for all members of the College community
2. Identify the Title IX Coordinator, Deputy Coordinators and their roles
3. Provide information about where a College community member can obtain support or access confidential resources
4. Provide information about how a College community member can make a report on campus or off campus, and
5. Provide information about how a report against a College community member will be investigated, evaluated and resolved.

### **3.1.3. Scope**

As stated above, this policy applies to all members of the Amherst College community, including students, employees, visitors and independent contractors, regardless of sexual orientation or gender identity. 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 Amherst 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 adjudication procedures of the institution at which the accused student is enrolled shall govern.

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.

#### **3.1.4. 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 13, The Sexual Misconduct Adjudication Process) 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.

### **3.2. 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 educa-



tion 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.

### **3.3. 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, as well as 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, or have been identified by the College as persons who may, maintain confidentiality. These professionals are identified in the Resources section of this policy.

When the College has received a report of sexual misconduct, but the Complainant requests that their 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 report consistent with the request for confidentiality or request not to pursue an investigation (see Section 8.3.5, *Request for Confidentiality*). In doing so, the College may take steps to limit the effects of the alleged sexual misconduct and prevent its recurrence without initiating formal action. Examples include: providing increased monitoring, supervision or security at locations or activities where the misconduct occurred; providing training and education materials for students and employees; revising and publicizing the school’s policies on sexual misconduct; and conducting climate surveys regarding sexual misconduct. 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 them 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, reported incidents of recently occurring 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.

### **3.4. 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 and 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.

#### **3.4.1. 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.

#### **3.4.2. 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
- 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 and rape
- 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.

### 3.4.3. 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.

**Domestic Violence:** A felony or misdemeanor crime of violence committed by a current or former spouse or intimate partner of the victim, with whom a child is shared, with whom they cohabit or by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction. Massachusetts General Laws Chapter 209A Section 1 defines Domestic Violence as the occurrence of one or more of the following acts between family or household members:

- attempting to cause or causing physical harm
- placing another in fear of imminent serious physical harm
- causing another to engage involuntarily in sexual relations by force, threat or duress

“Family or household members” are persons who:

- are or were married to one another
- are or were residing together in the same household
- are or were related by blood or marriage
- have a child in common regardless of whether they have ever married or lived together, or
- are or have been in a substantive dating or engagement relationship.

**Dating Violence:** Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.

**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 their knowledge, and
- Inducing incapacitation for the purpose of making another person vulnerable to non-consensual sexual activity.

**Stalking:** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others or suffer substantial emotional distress. 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 directly intervening, calling Amherst College Police or local law enforcement or seeking assistance from a person in authority.

**Intimidation:** Placing another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the person to actual physical attack.

**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. Retaliation does not include reports and/or complaints of Sexual Misconduct that are made in good faith.

**3.4.4. 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. A physiological manifestation of arousal does not constitute consent. 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 to previous sexual activity does not constitute consent in the future. Consent must be obtained each time.

**Consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another.** Each person must obtain individual consent.

**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 they appear 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 due to alcohol and/or drug use. 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 or drugs to be risky behavior. Alcohol and drug use 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.

### **3.5. Resources**

#### **3.5.1. 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 another 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 commu-

nicating 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, the Title IX or Deputy Title IX Coordinator.

### 3.5.2. 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:

#### CONFIDENTIAL RESOURCES

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 and after hours through the Administrator on Call. 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 Administrator-on-Call 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 rape crisis counseling 24 hours a day.</p> <p><b>University Health Services</b> University of Massachusetts Amherst (413) 577–5000 Generally, open weekdays 8 am to 8 pm and weekends 11 am to 5 pm during the academic year.</p> <p><b>Cooley Dickinson Hospital</b> (413) 582–2000 Sexual Assault Nurse Examiner (SANE) available to conduct examinations.</p> <p><b>Safe Passage</b> (413) 586–5066 A confidential domestic violence and rape crisis hotline accessible 24 hours a day.</p>



### 3.5.3. On-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>Office of Student Affairs/ Administrator-on-Call</b> (413) 542-2337 Available during regular office hours and can assist with academic concerns, changes in housing or other modifications and referrals to other resources. An Administrator-on-Call is also available 24 hours a day by calling Amherst College Police at (413) 542-2111.</p> <p><b>Director of Student Conduct and Community Standards</b> Dean Gendron (413) 542-2337 Available during regular office hours for students interested in receiving information on filing a complaint through the College.</p> <p><b>Title IX Coordinator</b> Laurie Frankl (413) 542-5707 Available during regular office hours for any questions about Title IX at Amherst or the sexual misconduct resolution process.</p>	<p><b>Title IX Deputy Coordinators</b> Available during regular office hours.</p> <ul style="list-style-type: none"><li>• Jennifer Hughes (athletics) (413) 542-2362</li><li>• Amanda Collings Vann (students) (413) 542-2337</li><li>• Catherine Epstein (faculty) (413) 542-2334</li><li>• Maria-Judith Rodriguez (staff, administration, and visitors) (413) 542-2372</li><li>• Dean Gendron (413) 542-2337</li></ul> <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. RCs are mandated reporters.</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. PAs are mandated reporters.</p>
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### **3.5.4. 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 (and might not notify the College at all.) A list of resources in the local community is provided in Section 3.5.2.

### **3.6. 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.

Resident Counselors and volunteers have the responsibility to report – to a member of the Title IX team – information regarding sexual misconduct of which they become aware at any time.

Students also have the responsibility to report – to a member of the Title IX team – instances of sexual misconduct of which they become aware while acting in the following roles:

- Student Security Monitors
- Orientation Leaders
- Community Engagement Orientation Trip (CEOT) Leaders
- First-Year Orientation Trips (FOOT) Leaders

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 is led by the Title IX Coordinator and consists of a small group of administrators, including: the Deputy Title IX Coordinator(s) for students; a representative of the Office of Student Affairs; the Amherst College Chief of Police; and others as may be necessary. 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, to assess campus safety and to 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.

### **3.6.1. 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 an Administrator-on-Call 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 an Administrator-on-Call 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 (e.g. sexually transmitted infection or the possibility of becoming pregnant) and second, if qualified as a Sexual Assault Nurse Examiner, 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. The College encourages victims to obtain medical attention promptly after an assault.

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

**3.6.2. 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 “mandatory reporters.” Under this policy, mandatory reporters must report the incident to a member of the Title IX team. An employee may choose to confide in a supervisor, also considered a “mandatory reporter.” Under this policy, any employee (who has not been designated as confidential) 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.

**3.6.3. 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.

ited. 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 anonymous. All reports will go to the Title IX Coordinator.

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

In the event that an individual believes that they 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.

#### **3.6.5. 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 time-frame 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 and take appropriate steps depending on the level of control (if any) the College has over the alleged perpetrator.

#### **3.6.6. 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 Town of Amherst Police Department will not force a Complainant to pursue charges if they are 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.

#### **3.6.7. 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 *Student Code of Conduct* consequences for their 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 their 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 Community Standards Adjudication Process.

### **3.6.8. Bystander Intervention**

The College encourages all community members to take reasonable and prudent actions to prevent or stop an act of sexual misconduct. Taking action may include direct intervention, creating a distraction or delegating: calling law enforcement or seeking assistance from a person in authority.

### **3.6.9. 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.

## **3.7. 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 person involved with the Title IX process 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-Communication and Reduced Proximity Order (NCRPO):** A student 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, either of which can be obtained 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 NCRPO.

**Academic, Employment, or Residence Modifications:** An individual involved with the Title IX process may request an academic or employment modifications 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 modifications. These may include:

- Academic modifications, 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, or
- 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.

### 3.8. Title IX Review

#### 3.8.1. 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 here.

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 on and off campus
- Ensure prompt and equitable resolutions that comply with all requirements and time-frames 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.

### **3.8.2. 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 Coordinator(s) for students, a representative from the Office of Students Affairs, the Amherst College Chief of Police 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.



### **3.8.3. 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 the Chief of College Police and the Title IX Coordinator, 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.

### **3.8.4. Investigation**

The Title IX Coordinator 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 Coordinator may designate an investigator of their 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, to provide for the safety of the individual and the College campus community and to 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.

### **3.8.5. 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, including the Complainant. The College will take all reasonable steps to investigate and to 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. Although rare, there are times when the College may not be able to honor a Complainant's request in order to provide a safe, non-discriminatory environment for all students. The College has designated its Title IX Coordinator as the individual responsible for evaluating requests for confidentiality.

When weighing a Complainant's request for confidentiality or that no investigation or discipline be pursued, the Title IX Coordinator will consider a range of factors, including the following:

The increased risk that the Respondent will commit additional acts of sexual misconduct, such as:

- Whether there have been other reports of sexual misconduct against the same Respondent
- Whether the Respondent has a history of arrests or records from a prior school indicating a history of violence
- Whether the Respondent threatened further sexual misconduct or other violence against the Complainant or others
- Whether the sexual misconduct was committed by multiple Respondents
- Whether the sexual misconduct involved the use of a weapon
- Whether the Complainant is under 18 years of age
- Whether the College possesses other means to obtain relevant evidence of the sexual misconduct (e.g. security cameras, physical evidence), and
- Whether the Complainant's report reveals a pattern of sexual misconduct (e.g. via illicit use of drugs or alcohol, at a particular location, or by a particular group).

The presence of one or more of these factors could lead the College to investigate and, if appropriate, to pursue disciplinary action. If none of these factors are present, the College will likely respect the Complainant's request for confidentiality, but may nonetheless be prompted to consider broader remedial action, such as: increased monitoring, supervision or security at locations where the sexual misconduct occurred; increased education and prevention efforts, including to targeted population groups; conducting climate surveys; and/or revisiting its policies and practices.

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, and, to the extent possible, share information with only those people responsible for handling the College's response. The College may not require a Complainant to participate in any investigation or disciplinary proceeding.

### **3.8.6. Time Frame for Resolution**

The investigation and resolution (including appeal) of all reports will generally be completed within 60 to 90 days.

Extenuating circumstances may arise that require the investigation process to extend beyond these time frames, including, for instance: the complexity and severity of a complaint; if there is a parallel criminal investigation; or if the investigation occurs during school breaks or between school years. In general, a Complainant and Respondent can expect to receive periodic updates as to the status of the review or investigation.

## **Section 4. Alcohol and Other Drugs** *(formerly Appendix E)*

### **4.0. 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 improve students' understanding of 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 Office of Student Affairs meets with the student to discuss the student's behavior, College policy, and expectations and to determine appropriate sanctions. The Office of Student Affairs 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. 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 *Student Code of Conduct*, 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 indi-

cation 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 consequence. In some instances, violations may result in suspension or referral to the Community Standards Review Board for adjudication.

#### **4.1. AOD Under Massachusetts Law**

**4.1.1.** A person must be at least 21 years of age to legally purchase alcoholic beverages in Massachusetts.

**4.1.2.** 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.

**4.1.3.** 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.

**4.1.4.** 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.

**4.1.5.** No person may serve an alcoholic beverage to anyone who is obviously inebriated.

**4.1.6.** 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.

**4.1.7.** 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 of 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.

#### **4.2. AOD Under the Town of Amherst Bylaw**

**4.2.1. Keg Licensing Enforcement:** A Town of Amherst bylaw requires a keg license, which can be obtained at the Amherst (Town) 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.

**4.2.2. 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.

#### **4.3. AOD Under the Amherst College *Student Code of Conduct***

**4.3.1.** If the Dean of Students or the Director of Student Conduct and Community Standards 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 (see Section 14.3).

**4.3.2.** Kegs are prohibited from first-year residence halls. A fine of \$100 will be assessed to any person or residence that violates this regulation.

**4.3.3.** 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.

**4.3.4.** Possession of drug paraphernalia (pipes, bongs, hookahs, etc.) and alcohol paraphernalia associated with the dangerous consumption of alcohol (funnels, beer pong tables, etc.) is prohibited.

**4.3.5.** All prohibited substances and paraphernalia will be confiscated and destroyed by campus authorities.

**4.3.6.** Smoking marijuana or tobacco in campus buildings is prohibited, resulting in a \$100 fine.

**4.3.7.** 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).

**4.3.8.** 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.

**4.3.9.** The following provisions apply to the service of alcohol at all-campus parties in public areas of the residence halls.

**4.3.9.1.** TAP events must follow the Amherst College Party Policy, found [here](#).

**4.3.9.2.** 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.

**4.3.9.3.** 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 Amherst College Police Officers detect a violation of these rules, they will terminate the party.

**4.3.9.4.** After two violations of the College's policy on AOD, a social group may be denied permission to hold a party for a month.

**4.3.9.5.** Parties will cease when monitors leave for the night.

**4.3.10.** All party sponsors should provide an appropriate amount of equally accessible non-alcoholic beverages whenever alcoholic beverages are available.

**4.3.11.** 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.

**4.3.11.1.** 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.

**4.3.11.2.** 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.

**4.3.12.** 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.

**4.3.13.** 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.

#### **4.4. 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 that 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; and 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 Office of Student Affairs. 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.

## **Section 5. Hazing**

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

Chapter 536

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty-five

### **An Act Prohibiting The Practice Of Hazing**

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

#### **Section 17**

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

The term “hazing,” as used in this section and in Sections Eighteen and Nineteen, shall mean any conduct or method of initiation into any student organization whether on public or private property which willfully or recklessly endangers the physical or mental health of any student or other person. Such conduct shall include whipping, beating, branding, forced calisthenics, exposure to the weather, forced consumption of any food, liquor, beverage, drug or other substance, or any other brutal treatment or forced physical activity which is likely to adversely affect the physical health or safety of any such student or other person, or which subjects such student or other person to extreme mental stress, including extended deprivation of sleep or rest or extended isolation. Notwithstanding any other provisions of this section to the contrary, consent shall not be available as a defense to any prosecution under this action.

#### **Section 18**

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

#### **Section 19**

Each institution of secondary education and each public and private institution of post secondary education shall issue to every student group, student team or student organization which is part of such institution or is recognized by the institution or permitted by the institution to use its name or facilities or is known by the institution to exist as an unaffiliated student group, student team or student organization, a copy of this section and Sections Seventeen and Eighteen; provided, however, that an in-



stitution'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 acknowledgment 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.

## **Section 6. Fraternities**

### **Trustees' Statement, February 1984**

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.*

### **College Council Statement on the Feb. 1984 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 to 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 Code of Conduct* 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.

### **Trustees' Reaffirmation on the 1984 Resolution on Fraternities**

**Resolved on April 4, 2014:** The Board reaffirms the 1984 Trustees' Resolution on Fraternities. In addition, effective July 1, 2014, student participation in off-campus fraternities and sororities and fraternity-like and sorority-like organizations is prohibited. Violations will be subject to appropriate penalties, including suspension or expulsion from the College.

*Adopted by the Board of Trustees, Amherst College.*

## **Section 7. Residential & Community Life**

The following standards prevail as to the use and occupancy of College-owned residence halls and houses. The Office of Residential Life is the primary point of contact for clarifications to this section.

### **7.1. Occupancy**

Rooms will be available beginning at the opening of the College in September. Students enrolled in both fall and spring semester may remain in College housing during Winter Recess but must notify the Office of Residential Life of their intention to remain. Students who are assigned to fall semester housing only must vacate their assigned room immediately after the final examination period in December.

### **7.2. Guests**

Students are welcome to invite guests to campus. Guests are limited to a stay of three consecutive nights, providing that the rights of others are not infringed upon. This means that a host must clear the guest's stay with your roommate or suitemates as appropriate. Guests who drive to campus must register their vehicles with Amherst College Police Department.

### **7.3. Room Assignment Change Requests**

Students who wish to change their room assignment must contact the Office of Residential Life to inquire about the possibility of a move. All moves must be coordinated by the Office of Residential Life.

### **7.4. College-Owned Furniture**

The assigned residents of each room will be held accountable for missing or damaged furniture, for the fabric of the room, and for any College property that was relocated to a room without permission.

**7.4.1.** A charge will be assessed to the assigned residents of a room for each item of misappropriated College property.

**7.4.2.** Removed furniture must be stored in accordance with College storage policies and returned to the room before the student moves out. Failure to return any College furniture will result in a replacement fee per item. New for the 2016-17 academic year: The Office of Residential Life has coordinated with a vendor to remove and store furniture for students for a fee.

**7.4.3.** In the event that common-area furniture is moved and left outside a student residence, a \$50-per-item moving charge, plus the cost of repairing any damage to the furniture, will be assessed to responsible members of the community or shared evenly among all students who live in the affected community.

### **7.5. Room Condition Inventory**

Students are asked to review their Room Condition Inventory when moving in and are held accountable for leaving rooms in the stated condition when moving out. Fines for departing a room in unsatisfactory condition may apply. If there are any discrepancies between inventories and actual room conditions, they should be reported to the Resident Counselor.

### **7.6. Personal Liability Insurance**

The College assumes and accepts absolutely no responsibility for the loss or damage to personal property of any occupant of College housing. Each individual assumes responsibility for insurance of personal property as well as its safe storage and maintenance.

### **7.7. Damage Accountability**

Students are held responsible for damage to their rooms and to any College property therein. Students are expected to report all damages to their rooms, common rooms, hallways, bathrooms and other areas of the residence, whether accidental or otherwise, to the RC, so that repairs can be made.

The person directly responsible for the damage to a common area will be expected to acknowledge responsibility in order to avoid having some or all occupants of the building charged proportionately for repairs of such damage. In case of negligent or intentional damage, the person(s) responsible may be fined by the dean and subject

to other disciplinary actions and also made to pay restitution. Students will also be held accountable for damage caused by their guests. In addition, costs associated with discharged fire extinguishers and items damaged in or missing from the lounges or common areas will be charged to the residents of the floor or residence as appropriate.

### **7.8. Billing**

Students who wish to receive more information about items on their bills should telephone the Office of the Controller at (413) 542-2101. Students wishing to appeal damage assessments or charges should do so within 10 business days of billing and state their reasons for appeal in writing. Since such charges may involve the Amherst College Police Department, Facilities Department, Controller's Office and Office of Student Affairs, students (and parents) can save multiple phone calls by putting their cases in writing and sending the correspondence to [reslife@amherst.edu](mailto:reslife@amherst.edu). The Office of Residential Life will send copies of appeals to other campus offices and departments involved in the assessment(s). The process takes time, and instant responses are not possible.

### **7.9. Inspections**

College officials may periodically inspect students' rooms during the academic year to check the condition of safety systems, structure and furnishings. Examinations may occur during the two academic semesters, during Winter Recess and at the end of the academic year.

During vacations, efforts are made under the authority of the Director of Residential Life to recover from residence hall rooms College property such as library books, dining hall utensils and gymnasium equipment. For fire safety, maintenance and security reasons, private locks may not be installed or used in College residences. Students who install private locks on their doors will be assessed a \$75 charge. College officials retain the right of access to students' rooms at all times.

During the academic year, Facilities and members of the College community make periodic room inspections to determine dorm damage and condition of buildings. Examinations may occur during the two academic semesters, during Winter Recess and at the end of the academic year. When possible prior notification of entry will be given to students. At all times a note will be left if a Facilities professional entered a student's assigned room for maintenance work.

### **7.10. Room Assignments and Reassignments**

The College reserves the right to assign a resident to another room or residence hall. Prior to reassignment, the College will attempt to consult with the student and/or explain to the student the reasons for the move. In the event of an emergency, the College reserves the right to increase occupancy, so long as such a measure conforms to health and safety regulations.

### **7.11. Move-out Deadline for Returning Students**

First-year students, sophomores and juniors are required to vacate the day after spring-semester examinations end. Graduating seniors may stay until 5:00 pm on the day of Commencement but may be asked to move from their rooms to consolidate

area and make rooms available for parents and families during Commencement week. Note: The dates and times in the section are subject to change and, if changed, will be posted with as much advance notice as possible.

### **7.12. Commencement/Reunion Housing**

Commencement and Reunion workers and other students authorized by the Office of Student Affairs to remain on campus will be relocated—they will not remain in the rooms they occupied during the spring semester. Questions about housing during Commencement week should be directed to [reslife@amherst.edu](mailto:reslife@amherst.edu).

It is important that students comply with deadlines, so that rooms can be cleaned and prepared in time for Commencement and Reunion use. If necessary, the College will pack and clean those rooms not vacated in time, at the students' expense.

### **7.13. Keys**

If a student loses a room key or does not return a key at checkout, a lock charge of \$75 per lock will be assessed, in addition to a \$1 charge for each key that must be replaced. Students living in multiple-room configurations, such as suites, and who lose or fail to return a room key at checkout will be assessed a lock charge of \$150. When students are issued keys to their rooms, they must sign the *Student Dorm Key Policy* form, which outlines the charge policy for loss of keys. Key problems should be reported to (413) 542-2254. All residence halls have been equipped with proximity card access for student safety. Damage done to the access panel will result in a charge equivalent to the actual cost of repair.

### **7.14. Walls and Ceilings**

In general, pictures, tack boards and other decorative items may not be fastened directly to the walls or woodwork of the residence rooms, as this causes costly damage to the surface material. Most rooms contain picture moldings from which such items can be hung, and others are equipped with built-in tack boards. The following suggestions have been prepared by Facilities:

**7.14.1.** Students should not hang anything on doors, wood-paneled walls or woodwork.

**7.14.2.** Students may use push-pins (not thumbtacks), in reasonable numbers, to affix items to the walls. When a student moves out of a room, he or she should pull out the push-pins. Push-pins will work on walls unless there is very hard plaster underneath.

**7.14.3.** If a room has painted wallpaper over very hard plaster, there is no recommended way of affixing items to the wall that is guaranteed not to cause damage.

**7.14.4.** Nails should not be pounded into the walls for any reason.

**7.14.5.** Students are not allowed to paint the walls or ceilings of their rooms. Students who do will be charged to repaint the room.

**7.14.6.** Curtains should not be hung up as room dividers under any circumstances, whether the curtains are fire-safe or not.

## **7.15. Furniture**

Furniture is a precious resource for a residential community. Often mobile and fragile, furniture is easily mistreated and made unusable if the community is not careful. Unauthorized furniture may not meet applicable safety standards.

### **7.15.1. Student Room Furniture**

Student rooms are equipped with essential furniture. An inventory of this furniture and its physical condition will be made at the beginning and end of each school year or when a student vacates a room. The College may require personal furniture and furnishings to be removed, at the student's expense, from any residence where, in the judgment of the Environmental Health and Safety Manager, there is a potential fire, health or housekeeping hazard. Waterbeds, inflatable pools, and similar furniture are not permitted, because of the strain imposed on the building structure and the danger of water damage. All personally owned furniture and furnishings must be removed from student residences at the time they are vacated at the end of the school year. Any items remaining after that date will be disposed of by the College at the student's expense.

### **7.15.2. Lounge Furniture**

Furniture not authorized for the room in question is considered stolen property. Students found in possession of it will be fined and/or adjudicated. Room searches for stolen or missing furniture may be conducted periodically.

## **7.16. Energy Conservation**

Facilities is actively involved in energy conservation. Energy problems should be reported to the service desk at (413) 542-2254. Students should call (413) 542-2644 for answers to questions pertaining to energy conservation. The following is a general outline of energy conservation procedures.

### **7.16.1. Heating**

The standard room temperatures on campus are 68 degrees Fahrenheit during occupied times and 64 degrees during unoccupied times. Students should first try to control the temperatures of their rooms by adjusting thermostats, rather than opening windows. If you do not know how to adjust the thermostat, please call (413) 542-2254 for assistance. If your room is too hot even with the thermostat turned all the way down, please call the Service Center to have the system repaired. Opening your window to compensate for a radiator that won't shut off wastes a tremendous amount of energy and can cause damage to pipes.

When you leave for Winter Recess, please make sure your windows are shut tightly and your curtains drawn and leave your radiator turned ON to the setting that was most comfortable for you during the year. Every dorm has a central thermostat that will allow the building to be set to a lower temperature, allowing the College significant energy cost savings for the few vacation weeks.

### **7.16.2. Windows**

Students are asked to report broken, loose, or drafty windows. Storm windows are designed as an extra layer of insulation. The concept of additional insulation works only if exterior and interior windows are closed and tightly fitted. Locking windows helps ensure tight fitting. Window shades can be used as additional insulators during colder months. Keep shades down as much as possible during the day and at all times during the night. Closed shades can prevent up to 25 percent of the energy leakage. If windows are loose or leaking, call (413) 542-2254.

### **7.16.3. Electricity**

Common sense applies very directly to the conservation of electricity. Students should use the smallest appliance that will perform the requisite function and turn off electrical appliances when they are not in use or when leaving an area for more than five minutes. Refrigerator doors should remain shut. When doing laundry, students should not overload dryers.

### **7.16.4. Water**

As with electricity, the first rule of water conservation is, “If you aren’t using it, turn it off!” Leaving the water faucet running while you brush your teeth or shave can waste up to 10 gallons of clean water per person daily. Along the same line, turning showers down or off while applying soap can save many gallons of water daily. Dripping faucets and toilets that run continuously can waste hundreds to thousands of gallons of water per day and should be reported immediately to the Service Center at (413) 542-2254. Remember, even a few gallons of water saved per person per day add up to a lot of water in a town of 35,000 people—or in a country of 318 million!

## **7.17. Laundry**

There is no laundry service provided by the College, but in residence halls and houses, washers and dryers are available for use by any student. There are also several Laundromats and dry cleaners in town. The College does not provide linens; students must provide their own.

## **7.18. Satellite Dishes and Antennae**

Satellite dishes and antennae are not permitted and may be removed by Facilities. Charges for removal will be incurred by the student.

## **7.19. Solicitation**

Vendors are prohibited from selling, soliciting or making deliveries in College residences. Students may sell in College residences with the written permission of the Director of Student Activities. For their own protection, students are urged to insist upon seeing the vending permits of anyone selling in the residences and to report selling by non-students at once to the Amherst College Police Department.



### **7.20. Defenestration**

No objects may be dropped, thrown or propelled from windows, as serious injury may occur to persons below. College adjudication may be initiated against any person or residence community involved in defenestration.

### **7.21. Dartboards**

Students who use dartboards may not place them near doorways or hallways where a dart may strike someone. Students are also encouraged to avoid charges for dart holes in walls by investing in a 4-foot by 8-foot piece of Homasote (costing around \$12) on which to mount the dartboard.

## **Section 8. Support Animals**

**8.0.** The Accessibility Services Office oversees student requests for support animals at the College. For additional information or for clarification on the following items, contact the office at (413) 542-2337 or [accessibility@amherst.edu](mailto:accessibility@amherst.edu). These rules are applicable to all species of animals. Please apply all rules, as may be appropriate, to your animal.

**8.1.** All support animals must be spayed/neutered if species appropriate. Mating pairs of animals may not be kept.

**8.2.** All support animals must be up to date on species appropriate vaccinations required in the Commonwealth of Massachusetts, and the Town of Amherst. A copy of the vaccinations must be submitted to Accessibility Services prior to the animal coming to campus. It is the owner's on-going responsibility to make sure the vaccinations haven't lapsed, and to provide updated paperwork to Accessibility Services prior to bringing the support animal to campus.

**8.3.** All support animals must be housebroken if species appropriate. If the animal is not or cannot be housebroken, the animal may not have free run of the residence hall room.

**8.4.** The support animal must be caged/crated when not being held or handled by the owner. This is for the safety of the animal as well as others, particularly in the event of a building emergency.

**8.5.** The support animal must be well behaved at all times, whether in your residence hall room or anywhere else sanctioned on campus, and cannot pose a risk to the health or safety of others.

**8.6.** A support animal must be under the control of its owner. A support animal who is outside of the owner's residence hall room must have a harness, leash or other tether, at all times.

**8.7.** The support animal should be as unobtrusive as possible.

**8.8.** Measures should be taken at all times to maintain flea, tick and odor control. Support animals must be bathed and groomed regularly. The owner is responsible for making all reasonable efforts to remove animal fibers that have been shed (hair, fur, nails, scales, feathers, etc.).

**8.9.** Food for the animal must be properly stored in clean, impenetrable sealed containers (such as plastic containers with locking lids), not to exceed five gallons. Bags, cardboard or fiberboard containers are not permitted for bug, rodent and other housekeeping related reasons. Costs associated with remediation of any infestation of the housing with insects, rodents or mold as a result of improper food storage may be charged to the owner's account.

**8.10.** The owner is responsible for cleaning up after the animal's waste, and should always carry sufficient and appropriate equipment to clean up after the animal. Waste must be properly bagged and discarded. See below for further instructions.

**8.11.** An owner who has a support animal in their residence hall room is financially responsible for property damage caused by the owner's animal, including but not limited to, cost of repairs, replacement or cleaning of facilities or furnishings and any bodily injury or personal injury caused to other persons by the animal. The cost of repairing damages caused by the animal may be charged to the owner's account.

**8.12.** If Amherst College is required to assume responsibility for the animal due to the illness or incapacitation of its owner, or because the owner abandons the animal, all costs incurred by Amherst College will be charged to the owner's account.

**8.13.** The owner is required to submit a rehoming plan to Accessibility Services for the animal, in the event its owner can no longer take care of it.

**8.14.** No support animal may be left in an owner's room unattended for more than 6 hours at a time; stricter rules may apply to some species. Owners are required to sleep in the room with the support animal each night. All support animals must be removed from the College premises during any break period. Owners may not bring the animal with them to any temporary housing if the owner is remaining on campus over the break without prior approval from Accessibility Services staff. If permission is declined, the owner is responsible to make other accommodations for the animal at the expense of the owner.

**8.15.** If required by local or state law for the species of animal, the animal must wear a rabies vaccination tag.

**8.16.** All support animals residing on campus must be vaccinated against diseases common to that type of animal in accordance with state and local laws, rules, and regulations. All vaccinations must be current. Animals to be housed in Amherst College housing must have an annual clean bill of health from a licensed veterinarian and an updated vaccination report submitted to Accessibility Services prior to the support animal coming to campus.

**8.17.** It is the responsibility of the owner to pick up all animal waste, including fecal, vomit and diarrhea.

**8.18.** Waste must be placed in a plastic bag or other suitable container that is sealed or tied closed. After proper packaging, the waste can be placed into a dumpster outside of the building.

**8.19.** The animal waste must not be disposed of inside the building, or in proximity to an entrance/exit door.

**8.20.** It is the owner's responsibility to reasonably remove any animal fibers that have been shed. Owners must recognize the fibers could be shed directly from the animal, or inadvertently transferred by the owner. For example, it is understandable the animal fibers will cling to the owner's clothing and could be transferred to other people, furniture or to laundry washers or dryers.

### **8.21. Removal of a Support Animal**

There are several reasons why it may be necessary to remove a support animal from campus. Examples include, but are not limited to:

**8.21.1.** The animal is out of control, displays vicious behavior

**8.21.2.** The animal is disruptive (barking, running around, nipping, biting, scratching, etc.),

**8.21.3.** The animal is not housebroken

**8.21.4.** The owner is not properly disposing of waste, bedding, fibers, or litter

**8.21.5.** The animal is insufficiently cleaned or groomed (offensive odor, fleas, ticks, etc.)

**8.21.6.** The animal is not appropriately restrained

**8.21.7.** The animal is not appropriately vaccinated or up to date on vaccinations

**8.22.** In the event that a support animal must be removed from campus, the owner will be responsible for all expenses associated with the removal. The owner may request alternate reasonable accommodations from Amherst College.

**8.23.** The owner is required to notify any persons (staff, other students, etc.) entering your room, of the presence of the animal.

**8.24.** In the event another resident in the owner's residence hall has a conflict with the presence of the support animal which cannot be resolved agreeably, the Accessibility Services Office and the Residential Life Office will collaborate to determine a solution. **Note:** *If a person who was granted the accommodation of a support animal*

*was assigned housing prior to a person with a concern/medical issue, the person granted the accommodation of a support animal may not be reassigned.*

**8.25.** By accepting this accommodation and bringing a support animal to campus, the owner understands and agrees that the owner is solely responsible for the well-being and actions of the owner's animal, and the owner further agrees that neither the Trustees of Amherst College nor any of its employees are responsible for any loss, damage, injury or death caused by the owner's animal or sustained by the owner's animal, even if such loss, damage, injury or death is partly caused by the College or its employees.

## **Section 9. Fire and Life Safety**

### **9.1. Bonfires**

The Amherst Fire Department can issue one permit in any year for a ceremonial bonfire.

**9.1.1.** Bonfires shall mark the observance of a significant municipal, state or national event, and such ceremonial bonfire shall be under the continuous supervision of the fire department.

**9.1.2.** A permit for such ceremonial bonfires shall be issued only to a municipal department or a civic, fraternal or veterans' organization within the Town of Amherst.

**9.1.3.** Contact Environmental Health and Safety at (413) 542-8289 to obtain the required permit.

Fines for creating an unsafe condition start at \$100 plus the cost of cleanup.

### **9.2. Candles (including birthday candles) and Open Flame Devices**

Open-flame devices, except for cigarette lighters and matches, are prohibited in residence halls. Candles for religious services and birthday parties must be approved in advance by the Amherst College Fire Marshal.

**9.2.1.** If lit or previously-burned candles or incense are found or reported, they will be confiscated.

**9.2.2.** The minimum fine for an unauthorized candle, incense or open-flame device is \$25. Any candle, incense or open-flame device that is actually found burning will result in a fine of \$100.

Smoking is not permitted in any Amherst College building or academic, residential or support area, including outside assemblies and gatherings. Smoking must be done outside, at least 25 feet away from the main windows and doorways of any building. A minimum fine of \$100 may be assigned for smoking indoors or in other prohibited areas.

### **9.3. Carbon Monoxide Detectors**

Amherst College has recently installed additional carbon monoxide detectors in all residence halls that use gas or oil for heating and/or wood for fireplaces. These detectors were installed as required by the Commonwealth of Massachusetts for your protection, as carbon monoxide is a colorless, practically odorless gas that is generated through incomplete combustion or inadequate ventilation, such as might occur when, for example, a chimney flue is not opened.

**9.3.1.** Carbon monoxide is a cumulative poison, which, at low concentrations, will cause flu-like symptoms, or, at higher concentrations, will impair vision and coordination and lead to headaches, dizziness, confusion, nausea and possibly even death. The detectors are typically placed 5 feet above the floor, as required. This placement makes the units accessible to building occupants. The detectors are connected to each building's fire alarm system, as well as heating systems. Pressing the "test" button will send an alarm to Amherst College Police Department, will shut down the heating system as is required and will initiate a response by Amherst College Police Department, Environmental Health and Safety and Facilities.

**9.3.2.** Carbon monoxide detectors are life safety devices. Damaging or using the detectors improperly will result in a fine for the residence hall, as well as potential call-back charges for Facilities staff.

**9.3.3.** Fines for interfering with the carbon monoxide detector start at \$100, not including callback charges for Facilities staff.

**9.3.4.** If the alarm sounds, contact Amherst College Police Department at (413) 542-2111.

**9.3.5.** If the carbon monoxide alarm activates, it indicates that the level of carbon monoxide is at or above 35 parts per million, which is well below hazardous concentrations.

### **9.4. Ceilings and Walls**

In accordance with the requirements of the Massachusetts Fire Prevention Regulations, ceilings and walls in student rooms and common areas in any building are not permitted to have greater than 20 percent of any surface covered with combustible material such as paper, posters or other wall hangings. Ceiling and wall hangings must be fire retardant and shall not:

**9.4.1.** block or partially obstruct a smoke detector

**9.4.2.** block or partially obstruct a fire alarm horn or strobe

**9.4.3.** interfere with the operation of a sprinkler system

**9.4.4.** Items shall not be hung from sprinkler heads or piping.

**9.4.5.** Curtains and other draperies cannot be used in rooms as dividers.

**9.4.6.** Fines for improper ceiling or wall hangings start at \$100 plus the cost of repair.

## **9.5. Fire Reporting Procedure**

The following procedure should be followed if a fire is discovered:

**9.5.1.** The door to the room involved should be closed. This will contain the fire and make it easier to extinguish.

**9.5.2.** The closest fire alarm pull station should be activated. Pull stations are normally located next to the exit or stairwell door.

**9.5.3.** The fire must also be reported to Amherst College Police Department at (413) 542-2111. Calls should be made from a safe location, away from the fire. It should never be assumed that someone else has called.

**9.5.4.** Students who have been trained can attempt to extinguish the fire using the appropriate fire extinguisher, provided they are not placing themselves at risk and the fire is small, such as one contained in a wastebasket.

## **9.6. Fire Evacuation Procedure**

When evacuating the building, the most direct possible means of egress should be used.

**9.6.1.** Before opening a door, a person should feel the door with the back of the hand.

**9.6.2.** If the door is hot or if fire or smoke can be seen in the corridor, students should not pass through and should instead stay in the room. Students should pack towels (preferably wet) under the door to prevent smoke entry, telephone the Amherst College Police Department at (413) 542-2111 and report their location. If a telephone is not available, students should go to the window and wave a brightly colored cloth to attract attention. Students should open but not break the window. If a window is broken, smoke may enter from the floor below.

**9.6.3.** If the door is cool, a student should open it slowly and, if there is no smoke, proceed to the nearest exit. If the smoke is light, students should crawl, low to the ground, to the closest exit. If smoke is encountered along the way, an alternative escape route should be chosen. Students should make sure doors close behind them, to prevent the spread of smoke.

Once outside, students should proceed to the pre-designated area, away from the building and doors, and make sure that everyone is accounted for. If occupants were unable to get out the building or if they cannot be found, this should be reported to the Amherst College Police Department officer, who will arrive on the scene as soon as possible.

## **9.7. Emergency Evacuation Procedures for Persons with Disabilities**

If an occupant, resident or visitor with a disability is located on the ground floor of a building, he or she should exit through the closest appropriate means of egress. If the person is located above or below the ground floor, the elevator should not be used. Rather, the person should stay in the office or room, or comply with specific examples listed below.

The person should call Amherst College Police Department at (413) 542-2111; give the dispatcher his or her name, exact location, room number and telephone number; and remain by the phone until contacted by the Amherst College Police Department. Firefighters will assist persons who are unable to evacuate.

Persons with hearing impairments can be assisted out of the building, provided that they are made aware of the activation of the fire alarm.

Persons with visual impairments can be safely helped out of the building, provided that someone is there to assist them and that most of the other building occupants have already left the building. The evacuation of persons with disabilities at the same time as everyone else might increase the risk of accident or otherwise endanger all persons trying to vacate the building.

Persons with mobility impairments should, in most cases, remain in their rooms until assisted by the Fire Department. Untrained occupants should not attempt to carry people from the building. This could cause stairway restriction for other evacuees and may also result in serious injury.

## **9.8. Fire Alarms and Drills**

All faculty, staff and students are required to evacuate a building during a fire alarm. If a fire alarm sounds, doors to rooms should be closed and students should proceed to the closest exit. If smoke hampers a means of egress, persons should seek an alternative route.

Fire drills at Amherst College will be conducted at least twice during the academic year. Fire drills are performed to familiarize occupants in the building with the sounds of the fire alarm, to verify that the system is working as required and to test the evacuation systems for faculty, staff and students.

Building occupants should not use elevators to evacuate the building as smoke will rise into the elevator shafts, placing everyone inside at serious risk. The stairs should be used to evacuate safely. If other people who may be unfamiliar with the alarm are observed in the building, they should be advised of the fire alarm and advised to evacuate. Never force a person to leave or become confrontational.

**9.8.1.** When outside the building, notify an Amherst College Police Department officer. Everyone should proceed to a pre-designated assembly area, at least 50 feet away from the building. Persons should not stand in front of or near the entrances to the building, obstructing firefighters' access to the building.

**9.8.2.** Faculty and administrative staff are required to have an accountability system in place, as they are responsible for their respective students in class or their staff at work.

**9.8.3.** Depending on the number of students or staff, a checklist of names is strongly recommended. Persons must not reenter the building until the fire alarm has been silenced and the Amherst College Police Department or the Amherst Fire Department has indicated that it is safe to reoccupy.

## **9.9. Fire Doors, Escapes, and Exits**

All means of egress and components must be properly maintained at all times, in accordance with the requirements of the State Building and Fire Prevention Regulations.

**9.9.1.** Means of egress shall include, but are not limited to, corridors, doorways, fire escapes, stairwells and exterior sidewalks that lead to parking lots or streets. Corridors and stairwells in residence halls have the following life safety equipment: emergency lighting, exit signs, fire extinguishers, fire alarms and smoke detectors.

**9.9.2.** Tampering with or otherwise damaging this equipment could cause a serious accident or injury and make it difficult for persons to evacuate the building during an emergency.

**9.9.3.** Fines for tampering with or damaging the above-referenced equipment can range from \$100 to \$500.

**9.9.4.** Corridors in residence halls are required to be free of hazard and obstruction. Corridors, fire escapes, hallways and stairwells cannot be used for the placement or storage of combustible material (including boxes, cardboard and/or paper), bicycles, furniture or any item or equipment that would hinder a safe means of egress or firefighting operations.

**9.9.5.** Fines for items left in the corridors run up to \$25 per item. Corridors, fire escapes, hallways and stairwells, cannot be used as runways for extension cords, telephone wires or television cables that could create a personal injury hazard. Fire escapes cannot be used for the placement or storage of bicycles, equipment, grills, etc.

**9.9.6.** Fines for items left in the corridors run up to \$25 per item. Fire doors in corridors and stairwells, except smoke-activated fire doors that close when the fire alarm is activated, cannot be chocked or otherwise held open.

**9.9.7.** Fines for creating hazards within a means of egress are \$25.

## **9.10. Fire Extinguishers**

Fire extinguishers are strategically located on campus, based on the types of hazard present. Typically, a Type A Pressurized Water (PW) extinguisher is placed in a corri-



dor of a residence hall for use by emergency response personnel, such as an Amherst College Police Department officer, firefighter or other trained person, such as a custodian, Resident Counselor, etc.

**9.10.1.** Only persons who have been trained to use a fire extinguisher shall do so, and only if the fire is small in size and the users are not placing themselves or anyone else at risk.

**9.10.2.** Persons who are not trained shall simply close the door to the room where the fire is located (if possible) and evacuate the building, as indicated above.

Dry Chemical (ABC) fire extinguishers are placed in areas where cooking is done or where flammable liquids are present, such as in a laboratory or vehicle.

**9.10.3.** Special care should be taken when using this type of fire extinguisher for a fire involving flammable gases and liquids, as there is a possibility of personal injury. Do not use this type of extinguisher unless you have been trained and you are sure it is safe to do so.

Fire extinguishers have a specific purpose on campus and have been successfully used to extinguish small fires before the arrival of the fire department. Fire extinguishers must be free of obstruction and shall not be tampered with, as they are often used by Amherst College Police Department, trained faculty, staff and students, as well as the Amherst Fire Department before attack lines can be pulled off the fire engine.

**9.10.4.** Fire extinguisher training is available, upon request, through the Office of Environmental Health and Safety. Contact your Resident Counselor to request a training session.

**9.10.5.** Fines for tampering with fire detection or suppression equipment, including extinguishers, start at \$100.

## **9.11. Fireplaces**

Amherst College inspects fireplaces in common areas. Only fireplaces found to be in proper working order can be used.

**9.11.1.** Fireplaces located within individual student rooms are not to be used.

**9.11.2.** Resident Counselors can contact Environmental Health and Safety for training before the fireplace is used.

**9.11.3.** In order to use a fireplace on campus, in accordance with the requirements of the Amherst Fire Department, persons must first be trained. Fireplaces must have screens, tools, metal ash buckets and fire extinguishers in place before being used. Affixed to the mantel or wall by each operational fireplace is a sign that indicates, as a reminder, how the fireplace is to be used. The sign is

not a substitute for training. It also identifies the type and age of the firewood and the proper equipment to be kept on hand.

**9.11.4.** Fireplaces are not to be used for cooking.

**9.11.5.** Fines for improper use of a fireplace are \$100.

## **9.12. Furniture**

Student rooms are furnished with fire-code-compliant furniture and mattresses. An inventory of this furniture and its physical condition will be made at the beginning and end of each school year. Personal furnishings brought in by students are often not fire-code-compliant and will not be permitted if they fail to meet minimum requirements, such as CAL 117, CAL 133 or NFPA 701. A tag with appropriate code-required information will appear on the article of furniture.

**9.12.1.** If, in the judgment of the Environmental Health and Safety Manager, there is a potential fire or related health or safety hazard, the item shall be removed at the student's expense.

**9.12.2.** Any items remaining after that date will be disposed of by the College at the students' expense.

**9.12.3.** Furniture not authorized for the room in question is considered stolen property.

**9.12.4.** Room searches for stolen or missing furniture may be conducted periodically.

**9.12.5.** Fines for removing furniture from the lounges will be assessed by the Office of Student Affairs.

**9.12.6.** Waterbeds and similar furniture are not permitted, because of the strain imposed on the building structure and the danger of water damage.

**9.12.7.** All personally owned furniture and furnishings must be removed from student residences at the time the residences are vacated. The College's lounge furniture cannot be used to enhance student rooms or off-campus apartments.

## **9.13. Holiday Decorations**

In accordance with the Massachusetts Fire Prevention Regulations, the following decorative items shall not be permitted in Amherst College buildings, including residence halls:

**9.13.1.** Candles, incense or open-flame devices, unless previously approved by the Campus Fire Marshal

**9.13.2.** Live cut trees or other sawn trees

9.13.3. Live cut wreaths or other decorative wreaths

9.13.4. Cornstalks or shucks

9.13.5. Cotton or confetti

9.13.6. Dry moss or leaves

9.13.7. Hay or straw

9.13.8. Paper streamers

9.13.9. Sawdust or wood shavings

9.13.10. Tree branches or leaves

Only UL- or fire marshal-approved artificial trees, wreaths and lighting for indoor use may be used in academic or residential buildings. If used, lights may not be run over ceiling tiles or grids or through walls or doorways.

9.13.11. Lights must be hung below the ceiling, using a nonconductive material (e.g., string or tape).

9.13.12. Lights may not restrict means of egress and can be removed by the College Fire Marshal or Environmental Health and Safety Manager if a hazardous condition exists.

9.13.13. No more than three sets of lights can be attached to a single extension cord.

9.13.14. Lights must be turned off whenever the area is unattended.

9.13.15. Fines for improper holiday candles, incense, open-flame devices or decorations are \$100.

#### **9.14. Failure to Evacuate**

Except for emergency response agencies, all occupants in the building must evacuate when a fire alarm has been activated. Individuals or groups failing to evacuate will be subject to judicial action, fines, expulsion from College housing and/or criminal prosecution.

9.14.1. Fines for failing to evacuate range from \$100 to \$500. The Amherst College Police Department and/or the Amherst Fire Department can perform floor and building sweeps for the health and safety of the residents. Residents found in their rooms during fires or fire alarms will be reported to the Office of Student Affairs for disciplinary action. Amherst College has adopted this approach to help prevent “false-alarm apathy.”

**9.14.2.** Fines for failing to evacuate range from \$100 to \$500.

### **9.15. Fire Department Access**

Persons who intentionally block or otherwise hamper the duties of the Amherst Fire Department or Amherst College Police Department during a fire or medical emergency will be subject to judicial action, fines or expulsion from College housing and/or criminal prosecution.

Fines for obstructing emergency response agencies range from \$100 to \$500.

Fire Hydrants and Fire Lanes. No vehicle, except for emergency response apparatus or cars, may park in a designated fire lane or in front of a hydrant. Amherst College is not responsible for any damage to a motor vehicle that obstructs the response of the Amherst Fire Department or other emergency response agency.

### **9.16. Fire Detection and Suppression Equipment Tampering**

**9.16.1.** Unauthorized modifications of or tampering with the fire detection and/or suppression system (including fire extinguishers) in any building or room will result in judicial action, fines, expulsion from College housing and/or criminal prosecution.

**9.16.2.** The minimum fine for tampering with fire detection and suppression equipment is \$100.

### **9.17. Fire Drills**

Fire drills at Amherst College will be conducted at least twice during the academic year. Fire drills are performed to familiarize occupants in the building with the sounds of the fire alarm, to verify that the system is working as required and to test the evacuation systems for faculty, staff and students. Fines for failure to evacuate are \$100 to \$500.

### **9.18. False Fire Alarm**

Any person who, without proper justification, turns in a false fire alarm by activating a pull station or calling in a report of fire may be subject to adjudication, fines, expulsion from College housing, and/or criminal prosecution. The range of fines for false alarms is \$100 to \$500.

### **9.19. Malicious Burning of Building Component(s) or a Building**

Any person who knowingly sets fire to components of a building (i.e., doors, bulletin boards, furniture) and/or the building itself will face judicial action, fines or expulsion from College housing and/or criminal prosecution. In addition to paying for any damage or replacement costs, fines for malicious burning shall range from \$100 to \$500.

### **9.20. Fire Hazards**

Motorcycles, automobiles, mopeds, gasoline, propane, flammable liquids and other similar items are not allowed in buildings, other than those facilities specifically designed for that intended purpose, and shall be removed at the owners' expense. Fire hazards, such as those associated with poor housekeeping, electrical hazards and im-

proper use of cooking equipment, are addressed in a later section. Fines for creation of a fire hazard range from \$25 to \$500.

The possession, storage and use of Hoverboards, Mini Segways and similar equipment is not permitted on the Amherst College campus, given the risk of fire, the hazards of charging the units, and the potential for serious injuries or property damage.

### **9.21. Smoke Bombs and Bomb Threats**

Any person who possesses and/or activates a smoke bomb in a building without the permission of the Amherst College Police Department, or any person who initiates a bomb threat, will be subject to student conduct action, fines or expulsion from College housing and/or criminal prosecution.

**9.21.1.** Fines for the possession or use of smoke bombs or a bomb threat range from \$100 to \$500, with the potential for judicial and criminal charges.

**9.21.2.** Calling in a bomb threat or planting a bomb or other incendiary device will result in criminal prosecution.

### **9.22. Fireworks**

Any person possessing and/or discharging fireworks on campus will face judicial action, fines or expulsion from College housing and/or criminal prosecution. Fines for possession or use of fireworks range from \$100 to \$500, with the potential for student conduct and criminal charges.

### **9.23. Smoking**

Smoking is not permitted in, or within 25 feet of, any building at Amherst College.

**9.23.1.** The 25-foot rule is in place to protect building entrants from having to walk through second-hand smoke and to prevent the introduction of smoke into the air intakes of the campus buildings. Smoking is not permitted in student rooms or inside any portion of a building.

**9.23.2.** Faculty, staff and students who are being adversely affected by smoking can contact the Office of Environmental Health and Safety or the Office of Human Resources.

**9.23.3.** The fine for smoking inside, or within 25 feet of, a building is \$100.

### **9.24. Sprinkler Systems**

Sprinkler systems are life safety devices designed to discharge up to 20 gallons of water per minute during a fire.

**9.24.1.** The glass bulb or fusible link, if broken by heat or physical damage, will permit water flow.

**9.24.2.** Do not obstruct or hang anything from the sprinkler head or associated piping.

**9.24.3.** Do not place any items above, in front of or within 18 feet of a sprinkler head. Normal activity around a sprinkler head will not cause activation.

**9.24.4.** Striking a sprinkler head with a ball, stick or other similar object may cause significant water damage in the building. Obstruction of, damage to or tampering with a fire suppression system, such as a sprinkler system or fire extinguisher, is illegal.

**9.24.5.** Fines for damage, obstruction or tampering with a fire suppression system range from \$100 to \$500, with the cost of repair and the potential for judicial and criminal charges.

## **9.25. Storage**

Storage areas are monitored by the Amherst College Custodial Department, the Office of Environmental Health and Safety and the Town of Amherst. These storage areas must be properly maintained for fire and safety reasons.

**9.25.1.** Aisles must be adequate in width and passable.

**9.25.2.** Housekeeping must be maintained.

**9.25.3.** Empty combustible boxes must be discarded.

**9.25.4.** Storage cannot be placed within 18 feet of a sprinkler system.

**9.25.5.** Improper articles and items, as referenced on the doors and in this manual, shall not be placed in storage areas.

The Office of Environmental Health and Safety shall monitor these areas for code compliance and, when necessary, require the correction of noncompliant conditions, which are referenced above, at the expense of the residence hall or specific person(s). Fines for improper placement of storage will start at \$25 per item. If the storage area must be addressed by the Custodial Department, the cost for corrective actions will be charged to the residence hall or the individual(s) responsible.

## **9.26. Biohazards**

The inappropriate, intentional discharge of a biohazard, such as urine, fecal matter or other bodily fluid, is a significant health concern that is strictly prohibited on campus. Bodily fluid cleanup must be immediately addressed, as it is a public health issue. Person(s) who intentionally discharge a bodily fluid into or on a surface that was not meant for that purpose, such as a floor or stair, will be referred to the Office of Student Affairs and appropriately fined. Fines for particularly offensive behavior are \$100 plus the cost of cleanup.

## **9.27. Bugs, Rodents, and other Pests**

The presence of bugs, rodents and other pests is typically related to poor housekeeping practices, such as leaving food out or not disposing of waste. Amherst College has

an Integrated Pest Management (IPM) Program which focuses on using environmentally appropriate pest-control practices, not fungicides, insecticides and rodenticides. The College has contracted with an outside pest-control company that inspects the campus at least weekly and when requested for a specific emergency.

- If faculty, staff or students wish to report pest-related problems, they should contact the Facilities Department at (413) 542-2254.
- If a bug, insect, pest or rodent problem is attributed, or thought to be attributed to, poor housekeeping practices, the Office of Environmental Health and Safety will inspect the area(s) involved and will initiate corrective action to reduce the hazards.
- If more aggressive housekeeping is required or if the timeline for cleanup has not been met by the occupant(s) of the room(s), Office of Environmental Health and Safety will request the response of the Custodial Department, who will rectify the adverse health conditions at the expense of the residence hall or individual(s) responsible.

Housekeeping fines for the above-referenced conditions are \$100, plus the cost of cleanup.

### **9.28. Hazardous Materials**

Waste disposal at Amherst College is closely monitored and regulated by the Massachusetts Department of Environmental Protection (DEP) and the United States Environmental Protection Agency (EPA). Significant fines and regulatory actions can be levied against the College for improper disposal of hazardous and other regulated materials or waste.

The following items cannot be placed into trash containers or dumpsters on campus:

- Appliances/electronics
- Batteries, including alkaline and rechargeable
- Computer monitors
- Concrete
- Hazardous materials, including asbestos, chemicals, paint and oils
- Light bulbs (except incandescent)
- Metal (including pipes)
- Pesticides
- Recyclable materials
- Rocks, soil and stone
- Tires

Persons wanting to discard or recycle any of the items listed above must contact the Recycling Office at (413) 542-5038. Fine for improper storage, use and/or disposal of hazardous materials and waste is \$100, plus the cost of cleanup and disposal.

### **9.29. Mold and Mildew Health Effects**

For many people, mold is a significant concern. For those who are sensitive to its presence, it may trigger an asthma attack or initiate an allergic reaction. It can instigate coughing, eye irritation (itching and watering of the eyes), nasal stuffiness, throat irri-

tation and/or skin discomfort. People who are immuno-compromised could develop serious lung infections that may be difficult, if not impossible, to treat.

### **Procedures for Reporting Leaks, Mold and Mildew**

Amherst College faculty, staff, students and visitors should always report the following non-emergency conditions to the Amherst College Facilities Department at (413) 542-2254 or [servicectr@amherst.edu](mailto:servicectr@amherst.edu):

- Water damage and leaks, regardless of cause or potential source, both inside and outside the building
- Any drain- or sewer-related issues
- Decaying leaves, mulch or similar outside organic material outside of buildings around doors, windows and ventilation systems
- Standing water within 10 feet of a building

If the above-referenced condition is an emergency, such as a broken or leaking pipe, and it occurs after hours (3:30 pm to 7:00 am or on the weekend), then contact the Amherst College Police Department at (413) 542-2291. Amherst College will initiate the most appropriate response, depending on the type of emergency.

### **9.30. Odors**

All odors should be reported to the Amherst College Facilities Department at (413) 542-2254. If the odors indicate potential emergencies, such as something burning, smoke or a potential hazardous material, immediately remove yourself from the area and contact the Amherst College Police Department at (413) 542-2111.

### **9.31. Pets**

Because many people are allergic to animals and residence halls do not provide adequate space or security for the humane care of animals, no pets other than small aquarium fish or amphibians are allowed in residence halls, College houses or apartments. Absolutely no rodents or other nonhuman mammals are allowed in the residence halls. Aquariums or other cages for permitted pets may not use heat lamps. Students found with pets, whether visiting or owned by the students, will be subject to an automatic fine. Fines will start at \$100, and an additional \$100-per-day charge will apply for each day after the College has requested that the pet be removed. Note: Exceptions exist for service and support animals. Please see Section 8, Support Animals, for more information.

### **9.32. Inspections**

Most residence hall fires begin in a student room. The cause could be careless disposal of smoking material, cooking equipment, candles or improper lights or wiring. Residents often believe that a fire will not take place in their building because the dormitory is constructed of brick and/or concrete. While it is true that the exterior is fire-resistant, the contents inside are not. Wastepaper baskets, sheets, futons, wall hangings and furniture are fuel sources for a potential fire; if ignited, each will allow smoke and flame to spread throughout a room, floor or building. Ignition sources include, but are not limited to, candles, extension cords, halogen lamps, hotplates, incense, space heaters, and smoke material.



Amherst College will inspect each means of egress, electrical room, recycling closet, student storage area and individual room to help maintain a healthy and safe living environment for all building residents. In addition, if the College receives a health- or safety-related complaint about an area or room within a residence hall, the College can and will inspect to rectify the hazardous conditions at the residents' expense. The Amherst College Police Department, Environmental Health and Safety Office and/or Office of Student Affairs can inspect, correct and, if necessary, confiscate any item found within an area or room that poses a risk to the occupants of the area, room or building. A complete list of billable damages may be picked up from any Resident Counselor or Area Coordinator or the Dorm Damage Office.

Annually, in cooperation with the Town of Amherst's Office of Inspection Services, Amherst College will inspect all academic and residential buildings on campus to obtain a Certificate of Inspection, which is required by the Commonwealth of Massachusetts. During this inspection, a comprehensive survey of all code and related health and safety issues is performed, work orders and appropriate notifications for issues of noncompliance are generated and corrective actions are initiated.

Environmental Health and Safety can and will inspect individual rooms or areas for fire, health, safety and sanitation reasons with or without prior notification of the occupant(s), depending on circumstances related to the above-identified conditions or complaints.

### **9.33. Appliances**

For fire, health and safety reasons, the following appliances are not permitted in student rooms:

- Air conditioners
- Coffeemakers and coffee pots without automatic shutoff
- Crock-Pots/slow cookers
- Doughnut makers
- Electric frying pans
- Gas appliances
- Grills
- Halogen lamps
- Hamburger makers
- Hotplates
- Immersion heaters
- Microwave ovens
- Popcorn poppers with oil
- Power strips without built-in breakers or fuses
- Refrigerators larger than 4.5 cubic feet
- Space heaters
- Sunlamps
- Toaster ovens
- Waffle irons
- Woks

**For fire and safety reasons, the following are not permitted inside Amherst College buildings, academic or residential:**

- Overloaded extension cords
- Overloaded electrical outlets
- Outdoor lights
- Decorative lights, improperly installed

Appliances found in violation of these regulations will be confiscated and returned only at the end of the academic year. Any student in possession of an unacceptable item will be fined.

- Fines for the improper use of equipment are \$100.
- A \$25 fee for handling and storage will be charged when the device is returned. The College will dispose of all unclaimed articles after a one-year holding period.

### **9.34. Confined Spaces and Tunnels**

Signs usually identify confined spaces on campus. These signs bear the word “Danger” and identify the spaces as being “Permit Required” or “Non-Permit Required.” Regardless of whether a confined space requires a permit, access to these areas, which can include the steam tunnels, manhole covers, some attics, all crawl spaces and parts of elevators, is prohibited. These areas are or can be extremely hazardous. Once inside, you can become lost or injured or even die. Only trained and authorized personnel are permitted in these spaces.

- Unauthorized “Confined Space” entry can result in adjudication, fines, or expulsion from College housing and/or criminal prosecution.
- The minimum fine for unauthorized entry into a confined space is \$50.

### **9.35. Construction**

Students may not construct partitions, subdivide their rooms, construct additions that increase fire loads, install or modify electrical wiring or plumbing or alter “means of egress” (emergency exits). Each of these modifications increases the risk of fire or personal injury accidents.

### **9.36. Lofts**

Before constructing a bunk bed or loft, a student must submit a hard copy of the plan to the Amherst College Police Department Chief and Environmental Health and Safety for approval. Construction shall not take place until the plans have been approved and returned to the requestor by the Fire Marshal. After the bunk bed or loft has been completed, the Fire Marshal must be notified in order to conduct an inspection. Provided the bunk or loft has been constructed according to plan, the Fire Marshal will grant approval.

The occupant or Facilities personnel (at the owner’s expense) will disassemble all bunks and lofts that were not approved by the Campus Fire Marshal. If an unapproved, constructed loft is found during an inspection or complaint, the Fire Marshal can order removal of the furniture and prohibit the resident from reconstructing it in the future. Every bunk or loft must:

- be in compliance with all state building and fire-prevention regulations.
- be freestanding and not attached to the floor, wall or ceiling.
- have a sleeping surface at least 4 feet beneath the ceiling.
- not have more than two sides enclosed by wall or partition.
- be built using construction-grade lumber.
- not exceed 30 percent of the floor's square footage.
- not block or obstruct windows, doors, smoke detectors, network outlets or emergency exits.
- not cause damage to the room or its contents (the owner will be financially responsible for any damage to College property).
- be removed by the last day of spring-semester classes. If it is not removed, the College will disassemble and remove it at the owner's expense.

**Fines for lofts and other illegal construction are \$200, plus the cost of removal and repair.**

### **9.37. Electrical**

- Electrical cords must not pass through walls, through floors or above suspended ceilings.
- Electrical cords must not run beneath carpets or across corridors or fire escapes. This type of placement could cause a fire or personal injury accident. If temporary wiring is required, the cord must be run along the wall, not across an aisle or above ceiling tiles. If elevated, cords must be held up with a nonconductive material, such as string or tape, and may not run above a concealed space such as a drop ceiling.
- Electrical and mechanical closets and rooms are hazardous locations. They are not to be used for general storage, and they must be kept clean at all times to reduce the risk of fire.
- Electrical panels shall be properly maintained. In accordance with the Massachusetts Electric Code, there must be at least 3 square feet of space around any and all electrical panels, boxes, disconnects, fuses and other associated equipment.
- Faculty, staff and students who have questions about electrical closets, disconnects, panels, rooms or service should contact the Amherst College Facilities Service Center at (413) 542-2254.

The fine for improper use of electrical appliances and creating electrical hazards is \$100, plus the cost of removal and storage.

### **9.38. Elevators**

Elevators are a convenient way to access certain buildings at Amherst College. Elevators must be used appropriately to prevent damage. Do not block elevator doors open, such as when moving in or out of a building. Doing so will cause the elevator to stop working and shut down, which will require the recall of the outside elevator company, at the expense of the occupants of the residence hall.

**For safety reasons, students should not:**

- use arms, legs or any body parts to block, hold or stop the elevator doors from closing.
- block the elevator doors with any object, such as luggage, furniture, etc. Doing so causes elevators to shut down.
- remove lightbulbs or any other fixtures in elevators.
- participate in horseplay or cause excessive movement within elevators.
- push the emergency call button located inside the elevator except in case of an emergency.

In case of an emergency, emergency phones inside the elevators are automatically programmed to contact the Amherst College Police Department when the phones are picked up. Fines will be imposed for any damage to or improper use of elevators. The fines will include the costs of parts and labor.

### **9.39. Roof and Porch Access**

For safety and regulatory reasons, students are not permitted on the balconies or roofs of Amherst College buildings, including residence halls. Damage to the roofs, unknown structural integrity problems and missing guardrails and handrails make climbing or walking out on roofs very hazardous. Amherst College has indicated, by posting stickers on windowsills, that access to roofs is prohibited. Fines for screen removal and balcony and/or roof access range from \$25 to \$525.

### **9.40. Security Screens**

For the safety of students, security screens have been installed on grade-accessible and roof-level windows or other elevated areas of campus housing. Fines for damage to a security screen are a minimum of \$400. Fines for breakage or removal of red seals or tags are \$25.

### **9.41. Housekeeping**

Poor or improper housekeeping practices are the cause of many health, safety and sanitation issues. The Office of Environmental Health and Safety will inspect buildings at least annually and when requested to do so because of complaint.

Environmental Health and Safety will initially coordinate cleanup efforts with the occupants of the area, building or room. However, if the corrective actions cannot be made by the assigned time, or the conditions warrant immediate response of the custodial department, the cost for cleanup will be assessed to the residence hall or the individual(s) responsible. Fines for poor housekeeping practices can range from \$25 to \$100, not including the cost of custodial intervention.

### **9.42. Kitchens**

It is the responsibility of the students to properly maintain the kitchens and associated areas of dormitories or residence halls. Countertops, cupboards, cutting surfaces, dishwashers, floors, ovens, pots and pans, refrigerators, sinks and stoves must be cleaned at least daily to lessen the risk of food-borne illnesses.

- Prepared foods placed inside the refrigerator must be properly covered, labeled and dated for health and safety reasons. The College food and/or

health inspector can discard prepared food that has not been adequately covered, labeled or dated.

- Cooking is permitted only in recognized kitchens and kitchenettes on campus, in both academic and residence halls.
- Exhaust fans must be utilized whenever cooking is performed.
- In accordance with the requirements of the Town of Amherst, no grease-producing food—including butter, oils, hamburgers, etc.—may be placed upon a stove, unless the exhaust system above the stove has an approved fire-suppression extinguishing system.
- In accordance with Massachusetts Building Fire and Mechanical Code regulations, stoves that are no longer approved, because of location, exhaust capability or renovations, must be removed, as they are considered to be noncompliant.
- For fire-safety reasons, cooking is not permitted in offices or student rooms.
- Amherst College residence hall kitchens cannot be used to prepare food for sale. The Town of Amherst Board of Health regulates the sale and distribution of baked goods, foods with dairy products and other consumable items that can be considered “potentially hazardous foods.” Any kitchen or other food-preparation area must be inspected and approved by the Town of Amherst before consumable items can be made and sold. Inspections are conducted by Dining Services and/or Environmental Health and Safety. If conditions warrant, the inspectors will notify the Office of Student Affairs and request corrective action within a specified time frame. If conditions do not improve, the Office of Student Affairs will have the Facilities Department correct the adverse conditions and charge the residence hall for the overtime. If conditions remain uncorrected, the inspectors can ask the Office of Student Affairs to temporarily or permanently close down the problem area.
- Typically, the Amherst College Food or Health Inspector will grant a specified period of time for students to clean their respective areas or kitchens. The permitted time shall not exceed 24 hours.

**If the area or kitchen is not cleaned or otherwise addressed in the time frame allotted, the kitchen will:**

- Be closed and locked by Amherst College Police Department, Environmental Health and Safety or the Facilities Department.
- Be cleaned by the Custodial Department (off-hours) at the expense of the residence hall or person(s) responsible.

The fine for improper use of a stove or cooking device is \$100, plus the cost of clean-up.

### **9.43. Laundries**

Laundry rooms must be properly maintained to prevent fire, health and sanitation problems.

- Washers should not be overloaded.
- Dryer lint traps must be cleaned after each use.
- Clothing should be dried thoroughly and not left (wet) on the floor or shelf.

Improper use of the equipment, such as overloading the washer or not cleaning out the lint trap, can cause a fire, and leaving wet clothing in the room will cause odors and draw bugs, including silverfish. Damage to a washing machine, a dryer or parts attached to it will result in the person or residence hall having to pay for repairs. House-keeping fines for the above-referenced conditions are \$100, plus the cost of cleanup.

## **Section 10. Traffic and Parking**

**10.1.** No vehicle may be parked in a restricted area at any time. Restricted areas are those indicated by signs and/or include driveway entrances, fire hydrants, walks, lawns, etc.

**10.2. Student vehicles may be parked on the Campus from 4:30 pm until 2:00 am** Monday through Friday and from 4:30 pm Friday until 2:00 am Monday. Any student who parks on the main campus before 4:30 pm, will be subject to an immediate fine of **\$50.00**. The main campus is defined as all parking areas east of South Pleasant Street (except the Orr Rink Lot) and South of College Street.

**10.3.** Registered student vehicles may be parked in the Tennis Court Lot or the Hills Lot (off College Street, east of the Central Vermont overpass) at any time. These vehicles may also be parked at the Orr Rink Lot from 8:00 am until 2:00 am.

**10.4.** Special exceptions for students involved in student activities, loading and unloading of vehicle, physically handicapped or those requiring temporary exceptions after illness or injury, or where a vehicle is disabled, must be obtained, in advance, at the Campus Police Office.

**10.5.** The Winter Parking Ban is in effect from December 1 until March 31st every year. No vehicle may be parked on campus overnight, including weekends, during the parking ban. Vehicles parked on campus after 2 am will be ticketed and may be towed to facilitate snow removal.

**10.6.** Motorcycles, motor scooters, motorized bicycles and mopeds must comply with all parking and traffic regulations. Violations are subject to the fine system.

**10.7.** No motorized cycles may be stored on campus in any College building. The owner shall be responsible for any fee required to remove a cycle from a College building.

**10.8.** Service Spaces and loading docks are reserved for the use of authorized College vehicles, contractor vehicles or emergency services vehicles. All other vehicles are prohibited from using these spaces. Offending vehicles may be towed at the direction of the Campus Police Department.

**10.9.** The Campus Police Dispatch (X 2291) must be notified of all disabled motor vehicles. If a vehicle is interfering with the safe flow of traffic Campus Police will tow it at the expense of the vehicle owner. If the vehicle is merely parked in a designated area

for which it is not permitted Campus Police will grant a twenty-four-hour exemption to the owner to arrange removal or repair.

**10.10.** Abandoned motor vehicles will be towed at the expense of the owner in compliance with Massachusetts General Law. The towing and subsequent storage and/or disposal cost are the responsibility of the vehicle owner. The owner of the vehicle may also suffer the penalties of law under MGL Chapter 90 section 22B. Vehicles may be towed at the direction of the Chief of Campus Police or their designees. Amherst College accepts no liability for any vehicle abandoned on College property and vehicles that do not display valid registration plates and/or a College parking decal may be considered abandoned.

**10.11.** Vehicles in violation of College policy may be ticketed, towed, or immobilized (booted). This includes all faculty/staff, student, visitor, and unregistered vehicles.

**10.12.** Any student convicted of Driving Under the Influence of Alcohol or Drugs may not apply for a permit to park on the Amherst College campus and may not operate a motor vehicle on campus.

**10.13.** Students in violation of criminal sections of Chapter 90 of the Massachusetts General Laws, such as Operating Under the Influence, Operating to Endanger or Operating After Suspension, may face criminal charges in addition to College adjudication.

**10.14.** The maximum speed limit on any campus roadway is fifteen (15) miles per hour.

**10.15.** No vehicle shall be operated with persons on any part of the vehicle not intended for passengers, including, but not limited to, the hood, trunk, roof or other exterior part.

**10.16.** Vehicles must stop and yield to pedestrian traffic.

**10.17.** The registered permit holder is responsible for all traffic citations received on the vehicle, regardless of whether or not they are in immediate control of the car.

**10.18.** Students with more than six parking violations will be placed on the boot list and may have their vehicle booted. The boot removal fee is \$50 and can be charged to a student account. The Parking Coordinator may only remove a vehicle from the boot list upon compelling reason and after consultation with the Chief of Campus Police.

**10.19.** Vehicles that pose a danger to public safety may be towed at the direction of any police officer or upon the request of any fire fighter in the performance of their duties.

## **Section 11. Student Profit-Making Enterprises**

**11.1.** Amherst College students who wish to operate a profit-making enterprise on campus must register the enterprise with the Office of Student Affairs (OSA) 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 may be fined \$100.

**11.2.** Amherst College students may not engage in the sale or distribution of goods or services to others in which 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 OSA.

**11.3.** 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 OSA.

**11.4.** Students wishing to operate a profit-making business are required to submit a business plan to the OSA.

**11.5.** 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.

**11.6.** Copyrighted material is not allowed unless a written release form is obtained from the holder of the copyright.

**11.7.** Enterprises must renew their permits at the beginning of each academic year.

**11.8.** The OSA may review the operation of any campus profit-making enterprise and may revoke permission to operate at Amherst College.

**11.9.** Recognized nonprofit Amherst College student organizations must work out the conditions of any proposed profit-making endeavors with the OSA.

**11.10.** 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 OSA.

**11.11.** Failure to comply with the above regulations may result in disciplinary action.



## Chapter II. College Adjudication Processes

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### Introduction to College Adjudication Processes

Teachers, students, administrators, and staff are strongly encouraged to exercise their best will and seek to resolve disagreements as amicably or informally as possible. When a student is a party to a conflict, the Office of Student Affairs is available to help reach such informal resolutions. The following processes are available to students, faculty, and staff who need or desire the structure that a formal grievance process provides when less formal resolutions are inappropriate or impossible.

Any student who may require an accommodation to participate in a College adjudication process should contact the respective primary point of contact listed below. The contact person for the process will then consult with the College's Accessibility Services Manager.

Multiple factors influence the appropriateness of the which of the four adjudication might be initiated to resolve a conflict. The affiliation or role of the parties to a conflict is one such factor. Whatever factors may emerge as influential, College officials associated with each adjudication process can assist interested parties in making informed decisions.

### The Community Standards Adjudication Process (CSAP)

The CSAP can be initiated only against an Amherst College Student, and only for allegations that do not include sexual misconduct, (see Section 3, *College Sexual Misconduct Policy*). Common allegations adjudicated by this process include those involving intellectual responsibility and community standards, such as those enumerated in Section 2, *Examples of Violations of the Student Code of Conduct*. The primary point of contact for information about this procedure is the Director of Student Conduct and Community Standards, (413) 542-2337.

<https://www.amherst.edu/offices/student-affairs>

### The Sexual Misconduct Adjudication Process

Amherst College students alleged to have engaged in sexual misconduct may be adjudicated by Sexual Misconduct Adjudication Process described in Section 13, *The Sexual Misconduct Adjudication Process*. The primary point of contact for information about this procedure is the Title IX Coordinator, (413) 542-5707.

<https://www.amherst.edu/campuslife/health-safety-wellness/sexual-respect>

### The Resolution of Student Grievances with Members of the Faculty

If a student believes 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 at (413) 542-2334 about the procedures for resolving their grievances, as described in Section 15, *The Resolution of Student Grievances with Members of the Faculty*.

[https://www.amherst.edu/academiclife/dean\\_faculty](https://www.amherst.edu/academiclife/dean_faculty)

## The Resolution of Student Grievances with Administrators, Staff or Visitors

If a student believes they have been aggrieved by a member of the administration or staff, they should consult the Director of Human Resources at (413) 542-2372. (See Section 16, *The Resolution of Student Grievances with Administrators, Staff or Visitors* for additional details. The section of this code dealing with sexual harassment (Section 3, *College Sexual Misconduct Policy*) also provides guidance for students who believe that they have been harassed by members of the faculty, the administration, or staff.) [https://www.amherst.edu/offices/human\\_resources](https://www.amherst.edu/offices/human_resources)

## Section 12. The Community Standards Adjudication Process (CSAP)

### 12.0. Introduction

In all instances when a complaint is filed against a student for violating community standards set forth in this *Student Code of Conduct* the Community Standards Adjudication Process (CSAP) or the Sexual Misconduct Adjudication Process (SMAP) (see Section 13) will be used to investigate and resolve conflicts.

At all times, the privacy of the parties will be respected and safeguarded, with records maintained in accordance with Section 19, *Student Records*.

Any question of interpretation regarding the *Student Code of Conduct* will be referred to the Dean of Students or designee for final determination.

The Director of Student Conduct and Community Standards or the Dean of Students may extend any deadline associated with the CSAP.

### 12.1. Terms in the Community Standards Adjudication Process

*Note: These terms in Section 12.1 apply to Section 12 of this code. Some terms also exist in Section 13, but may be defined differently as required by policy and law.*

**Advisor:** Any person from the Amherst College community (current faculty, staff, administrators, or students) to serve as an Advisor to the Complainant or the Respondent. Advisors may be present with their respective party during the hearing and at related meetings outside the hearing. Advisors do not address the Community Standards Review Board, nor do they speak on behalf of their party. Advisors may assist their party in preparing for the case and provide support throughout the process, from the initiation of a complaint through resolution. Advisors are present not to act as legal counsel, but to assist and support their party and to give advice to their party on procedural matters. In the Community Standards Adjudication Process and Advisor may not be a privately-retained attorney (this restriction does not exist in the Sexual Misconduct Adjudication Process) (see Section 12.11.3).

**Alternative Attendance:** A Complainant or Respondent may request participation in a hearing by 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 Dean of Students or designee may also allow for witnesses to appear through technological means rather than in person attendance. All requests to participate in the hearing other than in person must be submitted in advance of the hearing to the Dean of Students or designee (see Section 12.11.7).

**Business Days:** All days, except Saturdays and Sundays, not listed as holidays by the Office of Human Resources. Floating holidays and religious holidays not designated as holidays by the College are considered *business days*. College holidays during the 2016-17 academic year are: Labor Day (September 5, 2016), Thanksgiving (November 24-25, 2016), Christmas (December 26, 2016), New Year's Day (January 2, 2017), Martin Luther King, Jr. Day (January 16, 2017), and Memorial Day (May 29, 2017).

**Calendar Days:** All days on the calendar, including weekends, holidays, recesses, class days, and business days.

**Class Days:** Days on which the College Calendar indicates that classes are in session. Final exam periods and, for imminent graduates, the period between final exams and the date of degree conferral are considered class days. College holidays during which classes are suspended and recesses are excluded from class days. <https://www.amherst.edu/academiclife/college-catalog/1617?mtid=489858>

**Community Standards Meeting (CSM):** An informal discussion between one or more students and an employee of the College that addresses community standards. A CSM is not an adjudication, and no sanctions result. Records of CSMs are retained in accordance with Section 19, *Student Records*, and may be consulted in future CSMs or adjudications.

**Community Standards Review Board (CSRB):** (*Formerly known as the Committee on Discipline*)

The CSRB is the College's adjudication board for allegations of intellectual responsibility violations and for other violations that do not relate to the College Sexual Misconduct Policy. Comprised of a pool of students and faculty, a panel of the CSRB will be convened if a Respondent does not accept responsibility and (1) wishes to be heard before a panel (instead of a single adjudicator) or (2) if a Respondent's responsibility determination suggests a sanction that is potentially in excess of one semester of suspension.

**Complaint:** This document initiates the Community Standards Adjudication Process between a known, willing Complainant and a known, student Respondent. Section 12.4.5 describes the conversion of a report into a complaint.

**Complainant:** An aggrieved person of known identity who willingly seeks the adjudication of an Amherst College student in the Community Standards Adju-

dication Process or an official or agent of the College who is filing a complaint on behalf of the College.

**Designees:** All references to the Dean of Students and the Director of Student Conduct and Community Standards in the Community Standards Adjudication Process include the dean or their designee. Each constituency in the College has access to a particular procedure for resolving violations of the *Student Code of Conduct* or other forms of adjudication. All alleged violations by students of the *Student Code of Conduct* fall within the jurisdiction of the Dean of Students, the Director of Student Conduct and Community Standards and Student Affairs administrators to whom the director delegates cases, the Community Standards Review Board, or the Sexual Misconduct Hearing Board.

**Harassment:** The creation of an unpleasant or hostile situation for especially by uninvited and unwelcome verbal or physical conduct. Note: The Commonwealth of Massachusetts definition of harassment differs, and is not operative in a Community Standards Adjudication Process.

**Honor Code:** The Honor Code, represented in this document in Section 1, and authored by the College Council, is our core values language that authorizes the creation and stewardship of specific community standards and procedures that adjudicate alleged violations of those standards.

**Institutional Action:** A sanction issued to a student by the Community Standards Adjudication Process or the Sexual Misconduct Adjudication Process that separates a student from the College by suspension or expulsion, or a decision issued by the Committee on Academic Standing that separates a student from the College by dismissal (see Section 14, *College Sanctions*).

**Interim and Emergency Measures:** Prior to or during any formal or informal conflict resolution process the Dean of Students, Director of Student Conduct and Community Standards, or designee may assign interim and emergency measures or restrictions when it is believed 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-communication and limited proximity orders, academic modifications, and housing assignment modifications as appropriate and when reasonably available, and the removal of a student from campus (see Section 12.8, *Interim and Emergency Measures*).

**No-Communication and Restricted Proximity Order (NCRPO):** The purpose of this College-issued order is to eliminate direct contact and reduce chance encounters between parties in conflict. Simultaneously, this document is intended to provide sufficient structure and strategies for both parties to navigate their campus as regularly as possible. The NCRPO may or may not be the result of a College adjudication process and, therefore, may or may not be considered a sanction (see Section 12.8, *Interim and Emergency Measures*).

**Official or Agent of the College:** Any Amherst College employee or student designated by an employee while serving in a role or function in support of a College program. For example, Resident Counselors and Orientation leaders are agents of the College when engaging in activities directly related to those roles' responsibilities.

**Report:** A written disclosure by a known person about other known persons. A report does not automatically initiate the Community Standards Adjudication Process (see definition of *Complaint* in this section). Reports may be made at [www.amherst.edu/go/reporting](http://www.amherst.edu/go/reporting)

**Respondent:** An Amherst College student about whose behavior a complaint has been filed for adjudication in the Community Standards Adjudication Process.

**Sanction:** A status change, restriction, or requirement assessed by the Community Standards Review Board or a Student Affairs administrator as the result of a finding made by the Community Standards Adjudication Process in which the Respondent accepts responsibility (or is determined to be responsible) for one or more allegations of a community standards violation. Section 14, *College Sanctions*, describes common sanctions in detail.

**Student:** 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. Student status terminates either when a person who has not yet had a degree conferred by Amherst College matriculates at another institution of higher education or on the date when the Amherst College faculty votes to confer a degree to a person.

## 12.2. 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, or federal law.

Amherst students are expected to adhere to the *Student Code of Conduct* whether they are on campus or off campus.

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. Students will also be subject to the regulations and procedures set forth in domestic or international study abroad programs.

The College reserves the right to initiate or carry out its own adjudication proceedings, regardless of the prospect or the pendency of civil or criminal proceedings, against a student accused of violating the *Student Code of Conduct*, 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 at the student's expense before participating in any College proceedings.

Students who withdraw from the College in order to defend themselves in off-campus civil or criminal proceedings arising from events which are also the subject of a complaint being heard by the Community Standards Review Board or the Sexual Misconduct Hearing Board will not be allowed to re-enroll, pending the outcome of College adjudication proceedings.

Students who withdraw from the College after a complaint has been filed for an alleged violation of the *Student Code of Conduct*, but before the complaint has been resolved in accordance with a College adjudication process, will be allowed to re-enroll only at the discretion of the Dean of Students or designee.

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. Student status terminates (1) when a person who has not yet had a degree conferred by Amherst College matriculates at another institution of higher education or (2) on the date when the Amherst College faculty votes to confer a degree to a person.

### **12.3. Resources**

When a report is filed against a student for violation of the *Student Code of Conduct* or when a student is considering the initiation of an adjudication process, the student may turn for consultation or advice to one or more of the following individuals and College support systems: Dean of Students; Director of Student Conduct and Community Standards; Class Deans; staff of the College Health Center; Health Education or Counseling Center; Amherst College Police; Title IX Coordinator; Title IX Deputy Coordinators or a member of the Title IX team; Faculty; Area Coordinators; Resident Counselors; and Peer Advocates. See Section 3, *College Sexual Misconduct Policy*, 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 Amherst College Police, the Town of Amherst Police or the office of the Hampshire County District Attorney, in addition to those potential resources listed above.

### **12.4. Submitting Reports and the Initiation of Formal and Informal Conflict Resolution**

Both formal and informal conflict resolution opportunities exist in support of the Amherst College community. Amherst College students may be reported for alleged violations of the *Student Code of Conduct*. Most reports do not initiate formal conflict resolutions (adjudications), but instead serve to provide opportunity for individual

and community discussions about interdependent living. A person may file a report at [www.amherst.edu/go/reporting](http://www.amherst.edu/go/reporting)

#### **12.4.1. Eligible Reporters and Complainants**

Any person is eligible and encouraged to report concerning behavior of a student to the College. Any member of Amherst College, including students, faculty, administrators, staff members, (especially Amherst College Police Officers), or members of one of the constituent institutions of the Five Colleges, may elect to serve as a Complainant in the CSAP.

#### **12.4.2. Report Contents**

The report should contain sufficient information to permit the Respondent to understand the charges being brought so as to be able to adequately respond.

#### **12.4.3. Reporting to other Agencies in Concert with College Reports**

Persons who consider submitting a report about an alleged a violation that could also be considered a felony under the law are urged to discuss the possibility of filing criminal charges through Amherst College Police, the Town of Amherst Police, or the Hampshire County District Attorney's Office.

#### **12.4.4. Timing of Reports**

It is in the interest of the College community that violations of the *Student Code of Conduct* be handled expeditiously. Any report should be submitted within 90 days after the alleged violation of the code occurs, or sooner if reasonably possible. However, in recognition that persons may have valid reasons that would inhibit or delay the initiation of a report, the Director of Student Conduct and Community Standards may extend the period for submitting a report 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 allegations of sexual misconduct or harassment. However, in order for any report to be accepted, the Respondent must be a student at the time the report is made.

#### **12.4.5. Report Analysis (report may convert to complaint)**

A report is an account of concerning or problematic behavior of an Amherst College student. A report may convert to a complaint if the following are true:

- The report names an alleged perpetrator or perpetrators and
- The report includes the name of the reporter and
- The report identifies behavior that is prohibited by the *Student Code of Conduct* and
- The reporter wishes to formally adjudicate the alleged violations as a Complainant or
- The Director of Student Conduct and Community Standards or designee assumes the role of Complainant on behalf of the College or the aggrieved party.

The reporter should expect to meet in-person with the Director of Student

Conduct and Community Standards or designee to clarify the report and intentions regarding formal or informal resolution options.

#### **12.4.6. Report Response and Retention**

Reports that do not convert to complaints will be retained by the College but will not initiate any formal adjudication. Reported students may be required to consult informally with an administrator (see *Community Standards Meeting* in Section 12.1). No sanctions can be issued without a responsibility determination derived from a formal adjudication process.

### **12.5. Mediation (informal conflict resolution)**

In cases where parties to a dispute wish to settle their differences through mediation as an alternative to initiating a formal proceeding (via a complaint) with the Director of Student Conduct and Community Standards, and when the Director of Student Conduct and Community Standards concurs with this course of action, mediation may be attempted to resolve disputes. A report is required to initiate a mediation, but it is not necessary for the reporter to convert the report to a complaint.

The agreed-upon terms of a mediation will be recorded in a statement, which must be signed by the parties and the mediator(s). If a mediation comes to an impasse, the matter will revert to the Director of Student Conduct and Community Standards or designee, who will then be guided by the options specified in Section 12.4.5, *Converting a Report to a Complaint*.

The rules of privacy that apply to all proceedings under the code apply equally to mediated negotiations and resolutions. Students electing to resolve conflicts through mediation should seek guidance from the Director of Student Conduct and Community Standards, Title IX Coordinators, or a member of the Title IX teams, and/or other appropriate officers of the College and parties listed in Section 12.3, *Resources*.

### **12.6. Initiation of the Community Standards Adjudication Process via a Complaint (formal conflict resolution)**

Upon receipt of a report and when the criteria in Section 12.4.5, *Converting a Report to a Complaint* are satisfied, the Director of Student Conduct and Community Standards or designee will contact the reported person(s), now known as the Respondent(s) for an in-person meeting. If an in-person meeting is not possible alternative attendance by way of phone or video may be possible. If a Respondent fails to meet or cooperate with the Director of Student Conduct and Community Standards or designee the adjudication of the complaint will nonetheless proceed in accordance with the procedures in this section.

#### **12.6.1. Conveyance Complaint and Response**

The Director of Student Conduct and Community Standards or designee will convey the complaint to the Respondent and will direct the Respondent to submit a written response within 3 business days of receipt of the complaint. The Respondent's written response will in turn be conveyed to the Complainant. The Complainant and Respondent may work with an Advisor on preparing these documents (see Section 12.11.3 for more information about Advisors).



### **12.6.2. Inquiry Phase**

The Director of Student Conduct and Community Standards or designee will conduct an inquiry (in support of the Determination Phase) into all complaints made in good faith. In the course of an inquiry, the Director of Student Conduct and Community Standards or designee will usually 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 Director of Student Conduct and Community Standards or designee immediately upon submission of the complaint or response.

### **12.6.3. Determination Phase**

Usually, within 10 business days of the receipt of a complaint, the Director of Student Conduct and Community Standards or designee will make one of the determinations listed below. This timeline may be extended for extenuating circumstances, such as case complexity or party or witness unavailability.

#### **12.6.3.1. No Merit**

There is no merit to the complaint, in which event the complaint will be dismissed, the determination will be noted, and the College will take no further action.

#### **12.6.3.2. No Violation**

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 code. The complaint will be dismissed and no formal action is warranted by the Director of Student Conduct and Community Standards or designee.

#### **12.6.3.3. Acceptance of Responsibility**

The complaint has merit, and the Respondent accepts responsibility for all charges. Therefore, a finding is warranted that the Respondent has violated the code. Guided by Section 14, *College Sanctions*, the Director of Student Conduct and Community Standards or designee, usually within 20 business days following receipt of the complaint, will assess appropriate sanctions, which may include any of the sanctions listed in Section 14, *College Sanctions*, except expulsion and suspension in excess of one semester (see Section 12.6.3.5, *Potential for Significant Sanction*).

The Director of Student Conduct and Community Standards or designee will notify the Complainant and the Respondent of the determination, when appropriate, in consideration of privacy laws. Any sanctions resulting from this determination may be appealed by the Respondent to the Chief Student Affairs Officer (or to the Dean of the Faculty if the allegation is related to intellectual responsibility) within 10 business days of receipt of the director's/designee's determination.

#### **12.6.3.4. Denial of Responsibility**

The complaint appears to have merit, but the Respondent declines to accept responsibility for at least one charge. Therefore, the case will be (1) referred by the Director of Student Conduct and Community Standards or designee to the Community Standards Review Board for adjudication or (2) adjudicated by the director or designee if the Respondent prefers an administrative adjudicator.

#### **12.6.3.5. Potential for Significant Sanction**

The complaint has merit, and, whether or not the Respondent accepts responsibility, a finding that the Respondent has violated the code could result in a sanction exceeding one semester of suspension from the College. Therefore the case will be referred by the Director of Student Conduct and Community Standards to the Community Standards Review Board for adjudication (responsibility determination if responsibility is denied) or the assignment of sanctions (sanction hearing if responsibility is accepted).

#### **12.6.3.6. Exceptional Circumstances**

The complaint, which the Director of Student Conduct and Community Standards considers to involve exceptional circumstances, will be referred to the Community Standards Review Board for adjudication. Exceptional circumstances may include allegations for which there is little or no adjudicative precedent or one in which the nature or complexity is uncommon.

#### **12.6.3.7. Intellectual Responsibility Procedure**

The complaint alleges a violation of the Statement of Intellectual Responsibility (see also Section 2.4), and it will be processed in accordance with the procedures set forth in Section 12.7, *Alleged Violations of Intellectual Responsibility*.

### **12.7. Alleged Violations of Intellectual Responsibility**

Since grading is the province of the instructor of any course, the possibility of assigning a course penalty necessarily involves the instructor in the process of deciding consequences in cases of demonstrated violations of intellectual responsibility. The code allows for two methods of handling such cases, depending on the circumstances of the case:

#### **12.7.1. Student Accepts Responsibility for Allegation**

An instructor who encounters a clearly demonstrated infraction—that is, in which there is unambiguous and conclusive evidence of plagiarism or cheating—will usually speak to the student (if appropriate) and ascertain the circumstances of the incident.

**12.7.1.1.** If the instructor is able to communicate with the student and the student corroborates the facts and accepts responsibility for violating Section 1.1, *Statement of Intellectual Responsibility* (see also Section 2.4), the instructor will report the matter to the Director of Student Conduct and Community Standards.

**12.7.1.2.** If the instructor does not communicate with the student, the instructor will refer the matter to the Director of Student Conduct and Community Standards for appropriate response.

In either circumstance the student can expect to meet with the Director of Student Conduct and Community Standards to discuss the incident, arrive at resolution (if required), and address the incident's impact on the student's College tenure and potential impact on future opportunities.

In the case of a first offense, the Director of Student Conduct and Community Standards, after consultation with the instructor, will issue an appropriate non-grade sanction (see Section 14, *College Sanctions*), and will keep a record of the infraction and its resolution in a confidential student conduct file. If the student has a previous infraction, the Director of Student Conduct and Community Standards may assign a new, escalated sanction, or will refer the new case to the Community Standards Review Board for resolution, since the offense may warrant a consequence that exceeds a one-semester suspension (see Section 12.6.3.5, *Potential for Significant Sanction*).

### **12.7.2. Student Denies Responsibility for Allegation**

In cases in which an instructor suspects that a student may have committed a violation of intellectual responsibility, the instructor will discuss the concern with the student if possible. If after the discussion the instructor maintains their suspicion, the instructor will report the case to the Director of Student Conduct and Community Standards. In such instances, since the instructor and the student may disagree on the facts of the case—that is, on whether a violation of intellectual responsibility occurred—the Director of Student Conduct and Community Standards will send the case to the Community Standards Review Board (CSRB). In all cases in which the CSRB finds a student responsible for a violation of intellectual responsibility, the CSRB will determine all sanctions except for course consequences, which are assigned at the discretion of the instructor. The recommended sanction for a first-time violation of intellectual responsibility, whether or not it is adjudicated by the CSRB, is failure in the course and some period of disciplinary probation.

All faculty members are strongly encouraged to discuss suspected violations of intellectual responsibility with the Director of Student Conduct and Community Standards. Faculty and the Office of Student Affairs partner to address students' understanding of the consequences of their choices. Faculty members are also encouraged to discuss these procedures with the Director of Student Conduct and Community Standards if they have any questions about them.

In cases adjudicated before the CSRB, a faculty member may request the Dean of Students to appoint an administrator 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.

## **12.8. Interim and Emergency Measures**

Prior to or during any formal or informal conflict resolution process the Dean of Students, Director of Student Conduct and Community Standards, or designee may enact interim and emergency measures or restrictions when it is believed 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-communication and limited proximity orders, academic modifications, and housing assignment modifications as appropriate and when reasonably available, and the removal of a student from campus.

Only the Dean of Students, Chief Student Affairs Officer, or designee may authorize a removal from campus. Such removals may include geographic restrictions as well as an interruption in a student's academic or co-curricular schedule associated with College-sponsored opportunities.

If a removal exceeds 3 class days, the Dean of Students or designee, who will act as the Complainant, must bring a complaint against the student before the Community Standards Review Board within 14 calendar days of the initial removal from campus, or as soon after as possible if extenuating circumstances exist. If the case falls at the end of the term, the case may be adjudicated at the start of the following term (see Section 12.10.2, *Ad Hoc Panels*).

## **12.9. Complaints on Behalf of the College**

As set out in Section 12.2, *Jurisdiction* of this code, or if otherwise in the interest of the College, the Director of Student Conduct and Community Standards or designee may initiate a complaint, adjudicate the complaint and assign sanctions, or refer it to the Community Standards Review Board for adjudication if necessary, consistent with the procedures resulting from Section 12.6. The Complainant will not also serve as the adjudicator.

## **12.10. Adjudication before a Panel of the Community Standards Review Board (CSRB)**

Panels of the CSRB hear cases referred to it by the Office of Student Affairs that require responsibility and/or sanction determinations.

### **12.10.1. Composition of the CSRB**

The CSRB is a pool comprised of Amherst College community members only—faculty, students, and staff. When a panel is convened, the Dean of Students or designee serves as a nonvoting Chairperson. The dean is joined by 5 voting panel members, 3 of whom are students, and 2 of whom are faculty. Section 12.10.2, *Ad Hoc Panels*, authorizes the Dean of Students or designee to convene ad hoc panels as necessary.

#### **12.10.1.1. Faculty**

The faculty members of the Community Standards Review Board 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 3-year terms, and their terms, when possible, will be staggered so as to maintain continuity from year to year.

### **12.10.1.2. Students**

Student members of the Community Standards Review Board will be chosen by one of two mechanisms, election or appointment by the Association of Amherst Students (AAS) or selection by the Office of Student Affairs.

#### **12.10.1.2.1. Association of Amherst Students Election/ Appointment**

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 4 candidates, with no more than two of the 4 candidates representing the same gender identity, 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, and the alternate will be of the same gender identity as the student who resigned when possible. 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 Chairperson of the College Council. Student members will begin their two-year term on July 1 of the year of their election.

#### **12.10.1.2.2. Office of Student Affairs Selection**

A campus-wide inclusion-focused application process will be held during each fall semester. Selected students will be welcomed to the CSRB in the following spring semester. All currently enrolled students studying on the Amherst College campus, who will also be enrolled and studying on the Amherst College campus for at least one semester in the academic year that follows their application, will be eligible to apply. The term of membership of students selected in this process will be 2 years.

### **12.10.2. Ad Hoc Panels**

Section 12.10 describes procedures for assembling panels derived from the membership pool of the CSRB. The CSRB is active only when classes are in session; there are no regularly scheduled hearings during final examinations or recesses. Occasionally, however, circumstances induce a Complainant or Respondent to desire an expedited resolution during a period when the CSRB is inactive. In these circumstances, the Dean of Students is authorized to provide voluntary, alternative mechanisms for conflict resolution, including the assem-

blage of ad-hoc panels, provided both parties to the conflict consent to the voluntary alternative. Ad hoc panels may be comprised of Amherst College students or faculty, whether they are derived from the CSRB or not. Panel compositions as described in Section 12.10 may be adjusted at the discretion of the Dean of Students or designee. Ad hoc panel members will be familiarized with relevant policies and procedures prior to their service.

### **12.11. Preparation for a Hearing**

Prior to a hearing before the Community Standards Review Board (CSRB), the Director of Student Conduct and Community Standards will provide the opportunity to acquaint the Respondent and Complainant and their respective Advisors with the procedures followed by the Community Standards Review Board and will also inform them of the opportunities to which parties are entitled under these procedures. These opportunities, apply to both parties unless otherwise stated. They include:

**12.11.1.** The opportunity to participate in a fair and unbiased hearing.

**12.11.2.** The opportunity to receive a written statement of the complaint and response (respectively), a copy of the procedures of the CSRB, 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 Chairperson. This information should normally be received 7 calendar days in advance of any hearing. The Complainant or Respondent may petition the Chairperson of the Board for more time to prepare their case.

**12.11.3.** The opportunity to select any person from the Amherst College community (current faculty, staff, administrators, or students) to serve as an Advisor. Advisors may be present with their respective party during the hearing and at related meetings outside the hearing. Advisors do not address the Community Standards Review Board, nor do they speak on behalf of their party. Advisors may assist their party in preparing for the case and provide support throughout the process, from the initiation of a complaint through resolution. Advisors are present to assist and support their party and to give advice to their party on procedural matters. Advisors are not permitted to act as legal counsel. In the Community Standards Adjudication Process an Advisor may not be a privately-retained attorney (this restriction does not exist in the Sexual Misconduct Adjudication Process).

It is the responsibility of a party to identify and communicate/coordinate with their Advisor, including the notification of meeting and hearing dates and times. A party intending to be accompanied by an Advisor must notify the Director of Student Conduct and Community Standards of the identity of the individual at least 3 business days prior to the hearing. Delayed identification of an Advisor by a party will not be a valid reason to delay adjudication proceedings or scheduling.

**12.11.4.** The opportunity to consult with attorneys at their own expense. Attorneys cannot participate in hearings before the CSRB. 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 Chairperson. If the request is granted, such consultation must occur outside the hearing room. An attorney may be present to provide legal counsel to the CSRB at the discretion of the Chairperson.

**12.11.5.** The opportunity to have a hearing before the CSRB as soon as practicable, consistent with the right to 7 calendar days' advance notice (see Section 12.10.2 for information about ad hoc panels).

**12.11.6.** The opportunity to challenge any member of the CSRB panel 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 2 business days after receiving the list of CSRB panel members. The Dean of Students or designee will rule on the challenge and, if the challenge is accepted, take appropriate steps to secure a replacement. If the individual serving as Chairperson is challenged, the Chief Student Affairs Officer or designee will appoint a substitute Chairperson for the hearing.

**12.11.7.** The opportunity to be present at the hearing or to participate by way of alternative attendance (such as by video) (see Section 12.1, *Alternative Attendance*).

**12.11.8.** The opportunity 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.

**12.11.9.** The opportunity to call witnesses of relevance to the complaint. A witness is a person who was either present during the incident in question, or who has information that is directly related to the facts of the incident in question. Individuals whose sole purpose is to serve as character witnesses or as expert witnesses will not be allowed to participate. A party intending to call witnesses must provide the names and contact information of the witnesses to the Director of Student Conduct and Community Standards within 2 business days after receiving notice of the time and location of the hearing. When necessary, and with the advance approval of the Director of Student Conduct and Community Standards, witnesses who are unable to appear in person may be permitted to participate via written statement or audio/video, if available.

**12.11.10.** The opportunity to hear and to question witnesses and to respond to all written testimony submitted.

**12.11.11.** The opportunity to present evidence of relevance. A party intending to present evidence should do so when submitting their complaint or response to the Director of Student Conduct and Community Standards, but must do so within 2 business days after receiving from the Director of Student Conduct

and Community Standards the notice of the time and location of the hearing. The CSRB panel shall not consider evidence against a party unless the party has been advised of its content and source and given the opportunity to respond.

**12.11.12.** The opportunity to be judged solely upon the information available during the formal hearing of the Community Standards Review Board panel.

**12.11.13.** The opportunity to submit an appeal (see Section 12.15.1, *Grounds for Appeal*) to the Dean of Faculty at the conclusion of a hearing before the Community Standards Review Board.

## **12.12. CSRB Hearing Procedure (Responsibility Determination)**

The Chairperson will provide a copy of the complete materials of the case to both parties and to each member of the Community Standards Review Board (CSRB) panel selected to participate in a hearing.

The Chairperson (nonvoting) of the CSRB panel will preside in all hearings. The Chairperson will work with the Director of Student Conduct and Community Standards to maintain decorum during hearings and will be the final arbiter in questions of procedure. The Chairperson makes decisions about the admission or exclusion of evidence and witness testimony. The CSRB panel may consider any testimony or evidence it has reason to believe is trustworthy and relevant.

Hearings will be audio recorded. The recording will be the official record of the hearing. The Complainant and the Respondent will have access to the recording if needed in filing an appeal. The audio recording will remain the property of the College. All proceedings under the Community Standards Adjudication Process will be confidential to the extent practicable.

In general, Community Standards Review Board hearings will proceed in the order outlined below. However, the Chairperson retains discretion at any time to alter the order of the hearing process as needed.

### **1. Chairperson's Welcome to All Participants**

- a. Introductions of all participants
- b. Presentation of the CSRB Purpose Statement
- c. Direction to all participants to read and sign the Confidentiality Statement
- d. Opportunity for questioning about procedures

*Note: Witnesses will leave the hearing room at this juncture.*

### **2. Presentation by Director of Student Conduct and Community Standards/ Designee**

- a. Brief introduction of allegations
- b. Brief introduction of response

### **3. Complainant's Presentation**

- a. Opening statement by Complainant (optional)



- b. CSRB panel members question Complainant
- c. Respondent questions Complainant
- d. Opportunity for additional questions by panel or Respondent

**4. Respondent's Presentation**

- a. Opening statement by Respondent (optional)
- b. CSRB panel members question Respondent
- c. Complainant questions Respondent
- d. Opportunity for additional questions by panel or Complainant

**5. Complainant's witnesses appear individually**

- a. Opening statement by witness (optional)
- b. Complainant questions witness
- c. CSRB panel members question witness
- d. Respondent questions witness
- e. Opportunity for additional questions by parties or panel before witness is dismissed

**6. Respondent's witnesses appear individually**

- a. Opening statement by witness (optional)
- b. Respondent questions witness
- c. CSRB panel members question witness
- d. Complainant questions witness
- e. Opportunity for additional questions by parties or panel before witness is dismissed

**7. Chairperson offers final opportunity for any additional questions** to either party or any witnesses and reminds that no questions will be permitted during or after the closing statements. No new facts nor evidence may be brought forward by parties in their closing statements.

**8. Closing statements**

- a. Complainant's closing statement
- b. Respondent's closing statement

**9. Closing remarks by Chairperson**

- a. CSRB panel will deliberate privately to determine responsibility
- b. Parties and Advisor leave room, but remain available to receive decision
- c. If the Respondent is found not responsible for all charges the CSRB panel will dismiss case, and the hearing is adjourned. Both parties will receive written notification of this outcome, typically within 48 hours.
- d. If the Respondent is found responsible for one or more charges the CSRB panel will initiate a Sanction Hearing immediately or at a later date.

**12.13. CSRB Sanction Hearing Procedure**

If the Respondent is found responsible for one or more charges in a CSRB Hearing, or if the Respondent accepted responsibility earlier in the Community Standards Adjudication Process, recommendations and questions on sanctions are heard before a panel of the CSRB.

*Note: If the Sanction Hearing was preceded by a CSRB Hearing to determine responsibility, the Chairperson may choose to skip to step 3.*

**1. Chairperson's Welcome to All Participants**

- a. Introductions of all participants
- b. Presentation of the CSRB Purpose Statement
- c. Direction to all participants to read and sign the Confidentiality Statement
- d. Opportunity for questioning about procedures

**2. Presentation by Director of Student Conduct and Community Standards/ Designee**

- a. Brief introduction of allegations
- b. Brief introduction of response

**3. The Complainant offers recommendations to the CSRB panel regarding possible sanctions.**

**4. The Respondent offers recommendations to the CSRB panel regarding possible sanctions**

**5. The CSRB panel may question the Respondent and the Complainant about their recommendations.**

**6. The Respondent, the Complainant, and Advisors are excused. The CSRB panel retains the discretion to deliberate immediately or to adjourn for later deliberations.**

*Note: All hearing materials are to remain in the hearing room for collection by the Chairperson.*

**7. The CSRB panel will deliberate on its decision about sanctions which will be documented by the Chairperson.** Final sanction determinations will be communicated in writing to the Respondent and, when appropriate, to the Complainant typically within 48 hours.

- a. The CSRB panel is provided with an account of Respondent's past sanctions by the Director of Student Conduct and Community Standards or designee
- b. Appeal procedures will be addresses in the final sanction/outcome letters to the parties.

**12.14. Practices of the Community Standards Review Board and the Office of Student Affairs**

The CSRB operates with the following standards during and after a responsibility determination hearing or a sanction determination hearing. Student Affairs receives records from the CSRB for retention.

### **12.14.1. College Complainant**

Where a complaint is brought on behalf of the College, a College employee, who is appointed by the Dean of Students or designee, will serve as the Complainant.

### **12.14.2. Witness Availability and Obligations**

The members of the Community Standards Review Board may question witnesses and may request the presence of any member of the College community as a CSRB panel witness. If witnesses are called by the CSRB panel, the Complainant and the Respondent will be afforded the opportunity to question them. Students called to give testimony before the Community Standards Review Board are obliged to provide testimony. The Director of Student Conduct and Community Standards 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 *Student Code of Conduct* (see Section 2.6).

### **12.14.3. Voting by Preponderance of the Evidence**

When the hearing has concluded, the CSRB panel will convene to determine by majority vote whether there has been a violation of the *Student Code of Conduct*. The CSRB panel'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.

### **12.14.4. Dismissal of Complaint**

If the CSRB panel determines that the Respondent has not violated the *Student Code of Conduct* or its pursuant community standards, the complaint will be dismissed.

### **12.14.5. Assignment of Sanctions**

If the CSRB panel determines that the Respondent has violated the *Student Code of Conduct* it will then determine what sanction(s) to assign. The CSRB panel will be guided by Section 14, *College Sanctions* in the assignment of sanctions. At this stage in the proceeding, the Chairperson will inform the Board of the Respondent's student conduct record, if any. The Chairperson will provide information about sanctions assigned for violations in the past. This information will be used at the discretion of the CSRB panel. A statement of the panel's findings and sanctions will be prepared by the Chairperson. After the statement has been approved by the CSRB panel, the Chairperson of the Board will notify the Respondent and, when appropriate, the Complainant of the outcome, generally within 48 hours after the CSRB panel decides on the case.

### **12.14.6. Records**

A copy of the finding will also be kept in a confidential file in the Office of Student Affairs. The recording of the hearing will be deposited in the same confidential file in which the other records of the case are kept (see also Section 19, *Student Records*).

Normally only suspension, dismissal, and expulsion are recorded on a student's transcript. 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.

#### **12.14.7. Reports**

The Director of Student Conduct and Community Standards or the Dean of Students shall make reports to the Amherst College community summarizing the nature and number of complaints, whether these were settled with or without hearing, and the disposition of cases. The Director of Student Conduct and Community Standards or the Dean of Students may publish similar reports which include summary descriptions of the complaints and the sanctions, if any, assigned, so long as such summary descriptions do not include personally identifiable information.

### **12.15. Appealing Student Conduct Decisions by Administrative Adjudicators and the Community Standards Review Board**

Either the Respondent or the Complainant may appeal an adjudicative decision of the Community Standards Review Board (CSRB) panel, the Director of Student Conduct and Community Standards, or designee. All intellectual responsibility appeals and any appeal of a CSRB panel are directed to the Dean of the Faculty. Appeals of non-intellectual responsibility-related decisions made by the Director of Student Conduct and Community Standards or designee (administrative adjudicator) are directed to the Chief Student Affairs Officer.

#### **12.15.1. Grounds for Appeal**

An appeal may come forward based on the following grounds:

**12.15.1.1.** Bias shown during any part of the Community Standards Adjudication Process

**12.15.1.2.** Material procedural error

**12.15.1.3.** The inappropriateness of the sanction (available to Respondent only)

**12.15.1.4.** The discovery of substantive new evidence which was not available at the time the decision was made

#### **12.15.2. Appeal Deadline**

The Respondent or the Complainant must submit a written statement of appeal to the Dean of the Faculty or Chief Student Affairs Officer as appropriate (see Section 12.14), which must state the grounds and reason for the appeal, within 10 business days of the date of the written finding.

### **12.15.3. Response to Appeal**

Upon receipt of the statement of appeal, the Dean of the Faculty/Chief Student Affairs Officer will review the official records of the Director of Student Conduct and Community Standards, the Student Affairs administrator, or the CSRB panel's proceeding and other materials bearing on the case as necessary. The Dean of the Faculty/Chief Student Affairs Officer may interview the parties to the dispute or anyone else involved in the hearing process, including the CSRB panel members.

For an appeal of an intellectual responsibility decision by the Director of Student Conduct and Community Standards, the Dean of the Faculty may refer the case to a panel of the CSRB, consisting of two faculty members, one of whom will act as Chairperson, and one student. For an appeal of a decision by the CSRB, the Dean of the Faculty 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 Community Standards Review Board, consisting of two faculty members, one of whom will act as Chairperson, and one student. In the case of any such referral, the panel of the CSRB will report its findings and recommendations to the Dean of the Faculty, who will resolve the appeal.

The Dean of the Faculty/Chief Student Affairs Officer will render a decision with such terms as they determine to be appropriate. The Dean of the Faculty's/Chief Student Affairs Officer's decision is final, and no further appeal will be permitted.

## **Section 13. The Sexual Misconduct Adjudication Process (*formerly Appendix C*)**

### **13.1. Introduction**

Amherst College has established the *College 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. This section, the Sexual Misconduct Adjudication Process (SMAP) details the College's procedures for adjudicating sexual misconduct complaints against students.

### **13.2. Preliminary Matters**

#### **13.2.1. Timing of Complaints**

So long as the Respondent is a student at the College, as defined in Section 12.2, *Jurisdiction*, there is no time limit to filing a complaint to initiate the SMAP. Where the Respondent is a second semester senior, the College will, in most instances, withhold that student's Amherst College degree pending conclusion and outcome of the SMAP.

#### **13.2.2. Jurisdiction**

See Section 12.2, *Jurisdiction* of this code.

### **13.2.3. 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 proceeding to commence its own review, investigation, and, when applicable, proceedings outlined herein. Neither law enforcement's determination whether or not to indict and/or prosecute a Respondent nor the outcome of any criminal prosecution are determinative of whether sexual misconduct under the College policy occurred.

### **13.2.4. 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 SMAP. 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.

### **13.2.5. Amnesty**

An individual who files a sexual misconduct complaint or serves as a third party witness during the SMAP will not be subject to disciplinary action by the College for their 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 the use of alcohol or other drugs.

### **13.2.6. Advisor**

Parties to a sexual misconduct complaint both have the right to be assisted by an Advisor of their choice during the SMAP. When choosing an Advisor, parties should be mindful of the Advisor's availability. While the College will make reasonable efforts to take into the account the Advisor's availability, the College will not allow the Advisor's unavailability to unreasonably delay the SMAP. An Advisor serves to guide the student through the process and may accompany the party to any meeting with a College employee, any meeting with an investigator, and to the hearing. The Advisor is not an advocate for the student. The Advisor may not disrupt an investigatory meeting. At a Sexual Misconduct hearing, an Advisor may not direct questions to or otherwise address the Sexual Misconduct Hearing Board, a party, or any witness or make verbal objections or other statements of advocacy. The Advisor may consult with the party that they are assisting.

### **13.2.7. 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.

### **13.2.8. Communications**

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

## **13.3. Initiating a Complaint**

### **13.3.1. Individual**

A person who believes they have experienced an incident of sexual misconduct, as defined in Section 3, *College Sexual Misconduct Policy*, may file a complaint against the Amherst College student responsible for that conduct. “Person” may include, but is not limited to, members of Amherst College, including students, faculty, administrators and staff members, visitors, alumni, or members of one of the constituent institutions of the Five Colleges.

### **13.3.2. Administrative**

When the College receives a report of sexual misconduct that, following the Title IX Review described in Section 3, *College Sexual Misconduct Policy*, is determined to be exceptional, the College may initiate a complaint through the Director of Student Conduct and Community Standards against a student of the College.

## **13.4. Filing Requirements**

The person bringing the allegation is called the Complainant. To initiate the SMAP, the Complainant must submit a Complaint Form (paper or electronic format) to the Director of Student Conduct and Community Standards. The Complaint Form must contain sufficient information regarding the allegations of instances of sexual misconduct to permit the Respondent to understand the allegations being brought and to be able to adequately respond. Towards that end, the Complaint Form should indicate, to the best of the Complainant’s ability, the forms of Sexual Misconduct, as detailed in the College Sexual Misconduct Policy, that the Complainant alleges the Respondent committed. It is not required that the Complaint Form reflect every detail related to the allegations in the complaint as additional information may be discovered during the investigation.

**13.4.1.** If the Director of Student Conduct and Community Standards determines that a Complaint Form does not include sufficient information of the allegations of instances of sexual misconduct to permit the Respondent to understand the allegations being brought and to adequately respond, the Director of Student Conduct and Community Standards will request that the Complainant re-submit the Complaint Form. Where the Complaint Form contains information that could not constitute conduct prohibited by Section 3, *College Sexual Misconduct Policy*, the Title IX Coordinator will inform the Complainant that the SMAP will not apply to the Complaint and will refer the Complaint to the Director of Student Conduct and Community Standards.

**13.4.2.** If the investigation reveals other related allegations of instances of sexual misconduct not otherwise detailed in the Complaint, the Complainant will have the opportunity to amend the Complaint Form to include allegations of these additional related instances.

### **13.5. Information for Complainant**

After receipt of the Complaint Form, if not sooner, the Director of Student Conduct and Community Standards or designee will request a meeting with the Complainant in order to discuss the nature of the complaint, explain the Complainant's right to choose an Advisor of their choice, explain 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.

### **13.6. Interim Measures**

Upon the filing of a Complaint Form, if not sooner, the Title IX Coordinator or designee will review the allegations and determine the sufficiency of any previously-implemented interim measures, as well as the necessity and scope of any additional interim measures to prevent further acts of harassment, misconduct, or retaliation and to provide a safe environment. The range of interim measures may include, but is not limited to:

- No-Communication and Restricted Proximity Order
- Academic, Employment, or Residence Modifications
- Emotional Support
- Interim Suspension

### **13.7. Withdrawal of Complaint**

Prior to a hearing, the Complainant may withdraw the sexual misconduct complaint. Withdrawal of the complaint will, in most circumstances, end the SMAP. The College may move forward with the investigation and complaint, even after the Complainant withdraws it, in order to protect the interests and safety of the College community.

### **13.8. Responding to Complaint**

#### **13.8.1. Notification of Respondent**

The person against whom the Complaint Form is filed is called the Respondent. After the Complaint Form is filed, the Respondent will be notified that a complaint alleging sexual misconduct has been filed against them.

#### **13.8.2. Information for Respondent**

After receiving the Complaint Form, the Director of Student Conduct and Community Standards or designee will request a meeting with the Respondent in order to: provide the Respondent with a copy of the Complaint Form; discuss the Respondent's opportunity to submit a written response to the Complaint Form; discuss the nature of the complaint, explain the Respondent's right to choose an Advisor of their choice, 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. If the Respondent refuses or otherwise cannot meet with the Director of Student Conduct and Community Standards within a reasonable period of time from the filing of the Complaint Form, as



determined by the Director of Student Conduct and Community Standards, then the Director of Student Conduct and Community Standards or designee will provide the Respondent, via electronic mail to the Respondent's official Amherst College electronic mail address, a copy of the Complaint Form. The Respondent has the opportunity to submit a written response, which must be submitted no later than 3 business days from the date Respondent was provided the Complaint Form. The Respondent's written response will be shared with the Complainant. If Respondent fails to meet and cooperate with the Director of Student Conduct and Community Standards or designee or Investigator, the adjudication of the complaint will nonetheless proceed.

### **13.8.3. Acceptance of Responsibility**

At any point in the process the Respondent may choose to accept 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. If an investigation has already commenced, it may, but will not necessarily, continue to its conclusion. If a Respondent accepts responsibility for the conduct alleged in the Complaint Form, the process will move to the Hearing Board for a decision regarding sanctioning.

## **13.9. Investigation Phase**

### **13.9.1. Investigator**

The Title IX Coordinator will designate an Investigator to conduct a thorough, impartial, and fair investigation. The Investigator chosen will have specific training and experience investigating allegations of sexual misconduct. The Title IX Coordinator will oversee the Investigation Process.

### **13.9.2. 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 methods listed below. The Investigator will share with the Complainant and Respondent for comment or rebuttal information and documentation considered relevant to the allegations in the complaint.

#### **13.9.2.1. Document/Records Review**

In addition to reviewing any documents submitted by the Complainant and Respondent, the Investigator will determine whether to seek to obtain records relevant to the investigation, including, but not limited to documents, police records, electronic or other record of communications between the parties or witnesses or records or other relevant information. In seeking to obtain such evidence, the Investigator will comply with applicable laws and Amherst College policies.

#### **13.9.2.2. Site Visits**

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

### **13.9.2.3. 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.

### **13.9.2.4. 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 they believe may have information relevant to the allegations of the complaint. The Investigator will inform each witness or other individuals interviewed that they are prohibited from retaliating against the Complainant and Respondent or other witnesses. The Investigator may decide, in their judgment, to decline to interview witnesses who are identified for the sole purpose of providing character evidence or those whom the Investigator believes, after discussion with the requesting party, have no relevant information.

### **13.9.2.5. Experts**

The Investigator may contact any expert the Investigator determines is necessary to ascertain the facts related to the complaint or other information the Investigator determines in necessary to assist a Hearing Board in determining whether it is more likely than not that the Respondent is responsible for the allegations in the Complaint.

## **13.9.3. Report**

### **13.9.3.1. 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; and electronic records and forensic evidence. The Investigator may provide a summary of their impressions including context for the evidence, but will not make a determination as to whether a violation occurred, as that decision is reserved for the Hearing Board.

### **13.9.3.2. Distribution to Parties**

The Director of Student Conduct and Community Standards or designee will provide the Complainant and the Respondent with a copy of the final Investigative Report before the Hearing.

## **13.10. Resolution**

### **13.10.1. Voluntary Resolution:**

In certain instances, a Complainant and a Respondent may mutually agree 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:

- Prior to a Notice of Hearing being issued
- 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
- When the complaint does not involve sexual violence, as defined in Section 3, *College Sexual Misconduct Policy*.

Because the outcomes of voluntary resolution conversations are mutually developed and agreed upon by the 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 to the Hearing Board by the Director of Student Conduct and Community Standards or designee. No statements made during the voluntary resolution process may be introduced before the Hearing Board.

### **13.10.2. Sexual Misconduct Hearing Process**

#### **13.10.2.1. Composition of Hearing Board**

Hearings to decide complaints of sexual misconduct shall be conducted by the Sexual Misconduct Hearing Board. The Hearing Board for a particular hearing is composed of three persons that are drawn from a pool of individuals from the community, including the Five College Consortium. The Dean of the Faculty may determine an alternate Hearing Board composition if a full Hearing Board cannot reasonably be convened. All Hearing Board members will annually receive 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; and the College's policies and procedures. The Dean of Students or designee will serve as the non-voting Chairperson ("Chair") and as an advisor to the Hearing Board. Hearing Board members shall not consist of faculty, staff, or students at Amherst College.

#### **13.10.2.2. Notice of Hearing**

The Director of Student Conduct and Community Standards or designee will issue a Notice of Hearing to the Complainant and the Respondent. The Notice of Hearing will identify the date, time, and place of the hearing and provide the names of the persons serving on the Hearing Board for the case. The Notice of Hearing will be sent at least 7 days prior to the hearing date.

#### **13.10.2.3. Pre-Hearing Procedures**

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

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

### **13.10.2.3.2. Deadlines**

#### **13.10.2.3.2.1. 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 Director of Student Conduct and Community Standards at least 2 days prior to hearing, whenever possible, and must specify the reasons for the request. The Director of Student Conduct and Community Standards will decide whether to grant such request. The Director of Student Conduct and Community Standards retains the discretion to reschedule the hearing at any time for good cause.

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

The Complainant and Respondent may submit written requests to the Director of Student Conduct and Community Standards asking that a member of the Hearing Board be removed for reasonable articulable grounds of 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 Director of Student Conduct and Community Standards within 3 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.

#### **13.10.2.3.2.3. Witnesses**

The Complainant or Respondent may call witnesses at the hearing only upon satisfaction of the conditions below being met. A party wishing to call any witness at hearing, including those witnesses that have been previously identified and/or interviewed by the Investigator, must submit a list of witnesses to the Director of Student Conduct and Community Standards or designee serving as Chair of the Hearing Board no later than 3 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 the information the witness is expected to provide at the hearing
- 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. Generally, neither party will be permitted to call character witnesses. 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.

Parties are responsible for communicating with their witnesses regarding the time and location of the hearing.

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

#### **13.10.2.3.2.4. Documentation and Evidence**

##### **13.10.2.3.2.4.1. Not Provided to Investigator**

In rare circumstances, the Complainant or Respondent may wish to present documentation or other evidence at the hearing that was not provided to the Investigator. No later than 3 days prior to the hearing date, the requesting party 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, and
- 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. 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.

##### **13.10.2.3.2.4.2. Prior Sexual History, Prior Findings of Similar Acts of Sexual Misconduct, or Pattern Evidence**

In general, in a case where the Respondent raises consent as a defense, questions or information regarding a prior consensual relationship between the parties may be deemed relevant but not necessarily determinative.

Generally, questions or information about the Complainant's prior sexual history with anyone other than the Respondent will not be allowed. Generally, questions or evidence about the Respondent's prior sexual history will not be allowed. In limited circumstances, such as when there is evidence of a pattern of behavior that is factually similar, information about that pattern of behavior may be relevant to the determination of responsibility or assigning of a sanction.

A prior finding (post appeal rights) of responsibility for a similar act of sexual misconduct ("prior bad act") 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, evidence of a pattern of behavior, or prior bad acts, such requests must be made to the Dean of Students, regardless of whether the information was brought forward during the investigation. The Dean of Students or designee serving as the Chair of the Hearing Board will judge the admissibility of such information. The following must be submitted no later than 3 days before the hearing to the Director of Student Conduct and Community Standards:

- 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, prior bad acts, or pattern evidence is appropriate for inclusion at the hearing.

#### **13.10.2.3.2.5. Impact Statement**

The Complainant and the Respondent may prepare an Impact Statement to be considered by the Hearing Board while determining sanctions. Both parties may prepare a written Impact 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. The Chair retains discretion to instruct the Hearing Board to disregard information contained in the Impact Statement that would not otherwise be permissible under this process.

### **13.10.2.4. Hearing Requirements**

#### **13.10.2.4.1. Participants**

Those who may be present at the hearing are: the Complainant; the Respondent; their respective Advisors; Investigator; witnesses; and other College officials. The Investigator and witnesses may only be present in the hearing room during the Call to Order and Confidentiality portions of the hearing and 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.

#### **13.10.2.4.2. Attendance**

##### **13.10.2.4.2.1. Failure to Attend**

If a party fails to attend a hearing for any reason other than an emergency, the hearing may be held in their absence. A student called as a witness who fails to testify may be found responsible for violating Section 2.6 of the *Student Code of Conduct*.

##### **13.10.2.4.2.2. Attendance**

A Complainant or Respondent may request participation in the hearing

by 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. All requests by a party to participate in the hearing other than in person must be submitted in advance of the hearing to the Dean of Students or designee as Chair. The Title IX Coordinator will review the request to ensure compliance with a fair and equitable process.

The Chair may allow for witnesses to appear through technological means rather than in person attendance.

#### **13.10.2.4.2.3. 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).

#### **13.10.2.4.2.4. 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 Dean of the Faculty or appeals panel during an appeal; (3) the official record of the hearing; and (4) availability to the Complainant or Respondent should either wish to file an appeal. The Hearing Board's deliberations are not audio-recorded.

### **13.10.2.5. Conducting the Hearing**

#### **13.10.2.5.1. Call to Order**

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.

#### **13.10.2.5.2. 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.

#### **13.10.2.5.3. Investigator Presentation**

The Investigator will present a brief summary of the Investigative Report to the Hearing Board. The Hearing Board may first ask questions of the Investigator, followed by the Complainant and then the Respondent.

#### **13.10.2.5.4. Complainant's Presentation**

The Complainant may present their 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 and permissible. The Complainant may then offer witnesses who may be questioned directly by the Complainant, the Hearing Board, and the Respondent. Once a witness other than a party is done presenting information and answering questions, they will be asked to leave the hearing room.

#### **13.10.2.5.5. Respondent's Presentation**

The Respondent may present their own account of the events. The Hearing Board may ask the Respondent questions, followed by the Complainant. The Complainant's questions must be directed through the Chair. The Chair will ask the Respondent those questions that are deemed relevant and permissible. The Respondent may then offer witnesses who may be questioned directly by the Respondent, the Hearing Board, and the Complainant. Once a witness other than a party is done presenting information and answering questions, they will be asked to leave the hearing room.

#### **13.10.2.5.6. 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.

#### **13.10.2.5.7. 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 their summary statement first, followed by the Respondent.

#### **13.10.2.5.8. 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 vote. The Hearing Board's decision will be determined by majority vote. The Director of Student Conduct and Community Standards 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 and only the decision on responsibility and any applicable sanction will be announced. The Hearing Board may schedule additional meetings to complete deliberations if necessary.



### **13.10.2.5.9. Sanctions**

If the Hearing Board finds the Respondent responsible for violations of Section 3, *College Sexual Misconduct Policy*, the Hearing Board will impose appropriate sanctions and may be guided by the sanctions outlined in Section 14, *College Sanctions*. 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.

### **13.10.2.5.10. Notice of Outcome**

The Chair will communicate, via contemporaneous written notice, the result of the hearing and any sanction(s) to the Respondent and the Complainant. Generally, the notice will occur within 48 hours of the conclusion of the Hearing Board's deliberations. Neither the Complainant nor the Respondent is prohibited from disclosing the outcome of the hearing.

## **13.10.2.6. Appeal Process**

### **13.10.2.6.1. Eligibility and Timeline**

Either party may appeal the outcome of the hearing by filing a written Appeal Request, which must be delivered to the Title IX Coordinator within 6 calendar days of the Notice of Outcome. The Title IX Coordinator will inform the non-filing party that an Appeal Request has been filed.

### **13.10.2.6.2. Grounds for Appeal**

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

- Material procedural error (i.e. a procedural error of such significance that, but for the error's occurrence, the hearing could have resulted in a different outcome)
- Bias, by the chair or a member of the Hearing Board (i.e. the chair or a member of the Hearing Board demonstrated through specific words or actions that they were predisposed for or against one of the parties)
- Inappropriateness of the Sanction (i.e. the sanction is disproportionate to the gravity of the violation(s) for which the Respondent has been found responsible), or
- New Information (i.e. relevant, substantive, and new information – not available at the time of the hearing – has been discovered).

### **13.10.2.6.3. Content**

The Appeal Request must identify the grounds for appeal and must identify with specificity the moments during the process that gave rise to the stated grounds for appeal.

### **13.10.2.6.4. Standard of Review**

The appeal is based on the record and is limited to the four possible bases

for appeal. The appeal is not a de novo review.

### **13.10.2.6.5. Threshold Review**

The Title IX Coordinator will forward the Appeal Request to the Dean of the Faculty. Within 7 business days of the timely submission of the Appeal Request, the Dean of the Faculty will review the Appeal Request to determine, as a threshold matter, whether one or more of the Grounds for Appeal has been sufficiently alleged to warrant Review of the Merits—based on the following:

**13.10.2.6.5.1. New Information:** The Dean of the Faculty will determine whether the “new information” identified in the Appeal Request is:

- Relevant
- Substantive, and
- New (i.e. not available at the time of the hearing)

**13.10.2.6.5.2. Inappropriateness of the Sanction:** The Dean of the Faculty will determine whether the sanction is disproportionate to the gravity of the violation(s) for which the Respondent has been found responsible. In making this determination, the Dean of the Faculty will defer to the hearing board’s decision unless it has no rational basis.

**13.10.2.6.5.3. Material Procedural Error:** The Dean of the Faculty will determine whether the procedural error identified in the Appeal Request:

- Constitutes a procedural error, and
- Is corroborated by the record

#### **13.10.2.6.5.4. Bias by the Chair or a Member of the Hearing Board:**

The Dean of the Faculty will determine whether the specific words and/or actions identified in the Appeal Request

- Are corroborated by the record, and
- Could indicate that the chair or a member of the Hearing Board was predisposed for or against one of the parties

If the Dean of the Faculty determines that Review of the Merits is not warranted, the Appeal Request will be denied and the Dean of the Faculty will inform the Title IX Coordinator, who will notify both parties (normally within 48 hours).

If the Dean of the Faculty determines that Review of the Merits is warranted, each party will be notified. The party who did not submit the Appeal Request will be provided a copy of the Appeal Request and given 6 calendar days to submit a written Response to Appeal Request to the Title IX Coordinator, who will forward it to the Dean of the Faculty and the party who filed the Appeal Request. The Response to Appeal Request is optional – the absence of a Response to Appeal Request will not be taken into consideration in determining the merits of the Appeal Request.

### **13.10.2.6.6. Review of the Merits:**

#### **13.10.2.6.6.1. Review by Appeals Panel**

If Review of the Merits was granted on the basis of Material Procedural Error and/or Bias by the Chair or a Member of the Hearing Board, the Dean of the Faculty will convene a three-person panel (Appeals Panel), consisting of the Dean of the Faculty and two members from the Sexual Misconduct Hearing Board pool who were not involved in the original hearing. The Appeals Panel will meet within 14 calendar days of the decision to grant Review of the Merits. If an Appeals Panel cannot reasonably be convened within 14 calendar days, the Dean of the Faculty will determine whether to extend the deadline or to conduct the Review of the Merits themselves.

The Appeals Panel will consider the merits of the appeal solely on the basis of the Appeal Request, the Response to Appeal Request (if any) and the record of the original hearing, as follows:

**Material Procedural Error:** The Appeals Panel will determine whether it is substantially more likely than not that, if the identified procedural error(s) had not occurred, the hearing could have resulted in a different outcome.

**Bias by the Chair or a Member of the Hearing Board:** The Appeals Panel will determine whether it is substantially more likely than not that the specific words and/or actions identified in the Appeal Request indicate that the chair or a member of the hearing board was predisposed for or against one of the parties.

If the Appeals Panel finds merit to the appeal, it will remand the matter to a new hearing conducted by a Hearing Board comprised of members who did not serve on either the original Hearing Board or the Appeals Panel.

The Appeals Panel will communicate its decision to the Title IX Coordinator, who will inform the parties. The Appeals Panel's decision is final.

#### **13.10.2.6.6.2. Review by Original Hearing Board**

If the Review of the Merits was granted on the basis of New Information and/or Inappropriateness of the Sanction, the Dean of the Faculty will remand the matter to the original Hearing Board, which will be convened within 14 calendar days of the decision to grant Review of the Merits. If the original hearing board cannot be convened within 14 calendar days, the Dean of the Faculty may determine whether to extend the deadline or remand the matter to a new hearing board for a new hearing.

Once convened, the original hearing board will conduct the Review of the Merits solely on the basis of the Appeal Request, the Response to Appeal Request (if any) and the record of the original hearing, as follows:

New Information: The original Hearing Board will assess the weight and effect of the new information in light of all other evidence from the original hearing and will determine whether to:

- Affirm the original finding(s) and sanction(s)
- Affirm the original finding(s), and issue a new sanction(s), or
- Issue a new finding(s) and sanction(s)

Inappropriateness of the Sanction: The original hearing board will reconsider the factors relevant to determining sanctions as identified above and will issue a new sanction.

After conducting the Review of the Merits, the original hearing board will communicate its decision to the Title IX Coordinator, who will inform the parties. The decision is final.

#### **13.10.2.6.6.3. Order of Precedence**

In the event that the Dean of the Faculty grants Review of the Merits on multiple Grounds for Appeal, such that reviews by both an Appeals Panel and the original hearing board are warranted, the process will begin with Appeals Panel review. If the Appeals Panel finds merit in the appeal and therefore remands the matter to a new hearing board, any other basis for appeal will be moot. If the Appeals Panel does not find merit on the basis of Material Procedural Error or Bias by the Chair or a Member of the Hearing Board, then the process will continue with Review of the Merits on the basis of New Information and/or Inappropriateness of the Sanction.

#### **13.10.2.6.7. Communication During the Appeals Process**

In order to preserve the integrity of the Appeal Process, the parties, as well as their respective advisors and witnesses, should direct questions, comments or concerns to the Title IX Coordinator and refrain from initiating communication directly or indirectly with the Dean of the Faculty or any other person involved in reviewing the Appeal throughout the duration of the Appeal Process.

#### **13.10.2.6.8. Designees**

The Dean of the Faculty may designate someone to fulfill any or all of the responsibilities identified in the Appeal Process. In the absence of the Dean of the Faculty, the President will designate another individual to serve the role of the Dean of the Faculty.

#### **13.10.2.6.9. Records Maintained**

The hearing's 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 Director of Student Conduct and Community Standards as part of the Respondent's conduct record.

If a student has been found responsible by the Hearing Board for violating Section 3, *College 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 Office of Student Affairs for no fewer than 5 years after their departure from the College.

## **Section 14. College Sanctions**

### **14.0. Introduction**

The Director of Student Conduct and Community Standards, Office of Student Affairs administrators, the Community Standards Review Board, or the Sexual Misconduct Hearing Board adjudicate most cases involving violations or alleged violations of the *Student Code of Conduct* and are empowered to assign sanctions to Respondents found to have violated provisions of the code. For violations of intellectual responsibility, the instructor is responsible for assessing any course consequence.

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

#### **14.1. Warning**

A written admonition that will be considered in determining sanctions if future violations occur.

#### **14.2. Fines**

Fines may be assigned for minor infractions of the *Student Code of Conduct* 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 may likely be combined with other sanctions.

#### **14.3. Limitations on Participation or Loss of Privileges**

A student may be prohibited from living in residence, accessing particular areas of campus, participating in intramural or intercollegiate athletics, entering Room Draw, campus parking, eating at Valentine and/or participating in other College activities, including attending campus events.

#### **14.4. Community Service and Other Alternatives**

The adjudicator of a case can assign particular forms of community work, on or off campus, and a number of hours to be worked. The Director of Student Conduct and Community Standards will be responsible for supervising the student's implementation of the community service. The Director of Student Conduct and Community Standards or the Community Standards Review Board may also require attendance, when appropriate, at

educational workshops or similar opportunities suitable to the nature of the infraction.

#### **14.5. 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.

#### **14.6. Parent/Guardian Notification**

At the discretion of the Director of Student Conduct and Community Standards or a Student Affairs administrator, students may be required to notify their parents/guardians of the violations or alleged violations of the *Student Code of Conduct*. The Dean of Students or designee may also discuss the infraction with the parent/guardian.

#### **14.7. Residential Probation**

This status describes the Respondent as not in good standing with their living unit over a specified period of time. Further violations of housing regulations while a student holds this status may be cause for escalated consequences including disciplinary probation, residence reassignment, denial of residence on campus, or suspension.

#### **14.8. Disciplinary Probation**

This sanction consists of a warning in writing which specifies that further infractions of the *Student Code of Conduct* 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 extra-curricular activities for a defined period.

#### **14.9. Course Penalties**

Acts of cheating, plagiarism, or other forms of violation of intellectual responsibility should result in the student receiving a failing grade. The recommended sanction for a violation of intellectual responsibility is failure for the course, though grade penalties are always assigned solely at the discretion of the instructor. All such acts will be part of the student's conduct record in the Office of Student Affairs official record. The Community Standards Review Board panel or the Director of Student Conduct and Community Standards may assign other sanctions as well—from disciplinary probation to expulsion, depending on the seriousness of the offense and the student's previous record.

#### **14.10. Denial of Residence on Campus**

A student who violates community standards associated with residential and/or social life at the College or involving respect for persons, or who is found to have engaged in 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 assigned 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.

#### **14.11. 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. Conditions may be added to a suspension. 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 or designee.

#### **14.12. Withholding of Degree**

In student conduct cases involving second-semester seniors when probation or suspension might otherwise be assigned, 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.

#### **14.13. Dismissal**

A student may be required by the Committee on Academic Standing 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. 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 or designee. Dismissals are assigned only by the Committee on Academic Standing. **Note:** Dismissal is listed in this section to distinguish it from suspension. However, dismissal is not an available sanction to the Community Standards Adjudication Process nor the Sexual Misconduct Adjudication Process.

#### **14.14. Expulsion**

Expulsion is 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 suspended or dismissed previously and commits another offense judged to be worthy of a second suspension or dismissal. A student expelled from Amherst College is not permitted on campus, except with advance written permission from the Dean of Students or designee.

## **Section 15. 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 for-

mal 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 him/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 Community Standards Review Board of the necessity of forming a Hearing Board within 5 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 Community Standards Review Board 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 Community Standards Review Board 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. The right 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. The right 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. The right to select a member of the Amherst College faculty, administration, staff or student body as an advisor and to have that advisor 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. The right 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 Community Standards Review Board will rule on the challenge of any student member.
5. The right to have any decision based solely upon evidence introduced at the formal hearing.
6. The right 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. The right 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 Community Standards Review Board 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 him/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 that 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 that 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.

## **Section 16. The Resolution of Student Grievances with Administrators, Staff, or Visitors**

Student grievances against administrators or staff of 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. Grievances against visitors to the College should be directed to Amherst College Police or to an administrator from the Office of Student Affairs.

# **Chapter III. Select College Policies**

## **Section 17. Consensual Sexual Relationships Between Faculty Members and Students (*formerly Appendix D*)**

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 that 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 him/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*

## **Section 18. Involuntary Withdrawals**

The College reserves the right to exclude at any time students whose conduct it regards as unsatisfactory, or students who experience medical or behavioral needs requiring a level of support that cannot reasonably be provided while living in residence or participating in an academic program. Such conduct includes, but is not limited to: 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; and fails to register as required at the beginning of each term or fails to have all course grades recorded for the prior 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. All readmission requirements must be completed by August 15 for fall or December 15 for spring,

or the student will not be allowed to return and will need to begin the readmission process again for the next academic semester. Students may appeal an involuntary withdrawal to the Dean of Students or designee.

## **Section 19. Student Records**

### **19.1. 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 College personnel who have a legitimate educational interest in the contents of the record, officers of the U.S. Department of Education and their state counterparts who supervise enforcement and authorized educational agencies who monitor institutional educational enterprise. Such recipients are bound not to disclose any personally identifiable information from the records to unauthorized third parties.

### **19.2. 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 themselves. The conduct files of students who have been suspended or expelled from the College are maintained in the Office of Student Affairs for no fewer than 5 years after their departure from the College.

### **19.3. Location**

Offices maintaining portions of each student's educational record are the Office of Student Affairs, Financial Aid, the Registrar, Controller, the Counseling Center, Student Health Service, Physical Education, Information Technology, Communications, Amherst College 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.

### **19.4. Copies**

Request forms for release of transcripts are available in the Registrar's Office or on the web. Every request form must bear the student's signature and class year.

### **19.5. Inspection and Challenge of Records**

To examine their record, a student should make an appointment with the appropriate officer. Official academic records are available for inspection in the Registrar's Office. The general file, which is in the Office of Student Affairs, may be examined in the presence of a dean or dean's designee. 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 Section 15, *The Resolution of Student Grievances with Administrators, Staff, or Visitors*.

A student may, of course, add to their 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.

### **19.6. Hearing Procedure**

Any student who believes that their right to privacy or access to personal records has been in some way infringed upon may seek to have the situation redressed through the Office of Student Affairs 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 Student Affairs and from FERPA, U.S. Department of Education, 400 Maryland Avenue, SW, Washington, DC 20202.

### **19.7. Disclosure of Information**

A record is kept of material requested or disclosed from the file other than that requested by the student or authorized College personnel. As in the past, officers, faculty and staff of the College shall have access to those portions of a student's record that are necessary for them to perform their advisory, administrative or instructional functions. (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 online access to copies of such material to forward.

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

### **19.8. 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 Office of Student Affairs not to disclose such information prior to the 14th calendar day of each semester. Former students should contact the Office of Communications.) 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.



## **Section 20. 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 Communications, in writing, if they do not wish the College to use their images or recordings for any reason.

## **Section 21. Legal Aid**

The College does not provide legal assistance, but offers the following resources.

### **American Civil Liberties Union of Massachusetts**

(413) 586-9115 39 Main St. Northampton, MA 01060

### **Center for Public Representation**

(713) 586-602 22 Green St. Northampton, MA 01060

### **Western Mass Legal Services**

(413) 584-4034 20 Hampton Ave. Northampton, MA 01060

## **Section 22. 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 their 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 their home state within the last 3 years, whether impaneled on a jury or not, that student can be disqualified from juror service by submitting a copy of their service certificate. Students can mail or fax their service certificates to:

### **Office of Jury Commissioner**

560 Harrison Avenue, Suite 600

Boston, Massachusetts, 02118