

Amherst College

2021-22
Student Code of Conduct

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

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Amherst College Student Resources

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Women & Gender Center

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Office of Financial Aid

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Office of the Registrar

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Office of the Controller (Billing/Payroll)

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HEALTH, WELLNESS, & SAFETY

Counseling Center

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Keefe Student Health Center

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Health Education

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Amherst College Police Department/ACEMS

Service Center, 6 East Drive

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

Administrator on Call

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Title IX Coordinator

Laurie Frankl

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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.

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 information and relevant 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 learn together.

Chapter I. College Standards

Section 1. Amherst College Honor Code

The responsible administrator for this section is College Council. The Committee of Six holds approval authority.

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, *Interim Title IX Policy*; Section 13, *Interim Title IX Grievance 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. Please also see the Amherst College [Statement of Academic and Expressive Freedom](https://www.amherst.edu/academiclife/provost_dean_faculty/fph/fachandbook/preintroduction). (https://www.amherst.edu/academiclife/provost_dean_faculty/fph/fachandbook/preintroduction)

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

The responsible administrator for this section is the Office of Community Standards. The Office of Student Affairs has approval authority.

2.0. Introduction

Any of the following acts in this section or subsequent sections 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 opportunities. The behaviors 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. The College will not tolerate acts of retaliation (see Section 2.28.) against an individual who initiates a report or complaint to the College or who participates in any College adjudication process. Given the potential impact on individuals or community, potentially responsible parties will likely be subject to Temporary/Emergency Measures (see Section 12).

2.1. Harm to Persons

2.1.1. Intentionally or recklessly causing physical or emotional harm or endangering the well-being, health, or safety of any person.

2.1.2. Any action that threatens physical or emotional harm or endangers the well-being, health, or safety of any person.

2.1.3. Any physical or verbal threats against any person.

2.1.4. Any harassment, bullying, or intimidation of any person.

2.1.5. Conduct or a pattern of conduct—not of a sex-based, gender-based, or sexual nature—(including without limitation physical, verbal, graphic, written, or electronic) which places any person in reasonable fear of physical harm or which harasses, bullies, or intimidates any person. For conduct of a sex-based, gender-based, or sexual nature, see Section 3.

2.1.6. Any public exposure, which includes deliberately and publicly exposing one's intimate body parts, public urination, defecation, and public sex acts.

2.2. Bias-Based Interference with Educational or Employment Opportunities

Conduct that is directed at an individual or group of individuals on the basis of their actual or perceived race, national or ethnic origin, color, religion, sex or gender (including pregnancy, sexual orientation, gender expression, and gender identity), age, disability, genetic information, military service or any other characteristic or class protected under applicable federal, state or local law that causes an interference with the affected person or group's educational or employment opportunities (see Section 1.2, *Statement on Respect for Persons*).

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 and Academic Integrity

Amherst 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.

Violations of intellectual responsibility include, but are not limited to, academic dishonesty, including the fabrication, falsification, or forgery of academic work; cheating; plagiarism, including ghostwritten or contracted work; or the facilitation of intellectual responsibility violations (see Note 1 of the Interim Community Standards Adjudication Process).

2.5. Reasonable Request Compliance

Failure to comply with a reasonable request by an official or agent of the College (i.e., requested meetings with staff or faculty, instructions from the Amherst College Police Department, etc.).

2.6. False Testimony

All participants in College adjudications are required to be truthful.

2.7. Testimony in the College Adjudication Processes

2.7.1. Adjudications will proceed even without the participation of the Complainant or Respondent, provided sufficient notice of hearing has been issued and the absence is not due to an emergency or other valid reason.

2.7.2. Complainants and Respondents who agree to participate in a hearing may decline to answer questions with the understanding that they will be adjudicated based on available information.

2.7.3. Witnesses in a Community Standards Adjudication Process who are also Amherst College students are required to participate when called to testify and required to respond to the questions asked of them by the Respondent, an administrator, or the respective adjudication panel.

2.7.4. Witnesses in a Title IX Adjudication Process who provide statements to the Investigator are expected to participate in the hearing on the matter. The Title IX Coordinator, or designee, will notify all witnesses of the date, time, and location of the hearing and offer each witness an opportunity to meet to discuss the Title IX Grievance Process.

2.8. Abuse of College Equipment and Facilities

2.8.1. Abuse or destruction of buildings, equipment, or property belonging to the College.

2.8.2. 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.

2.9. Use of Computers and Networks

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

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

2.9.2. Unauthorized transfer of a file.

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

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

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

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

2.10. Vandalism

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

2.11. 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.

2.12. Weapons, Explosives, Ammunition

Possession, use, or distribution of firearms, ammunition, explosives, or other weapons (see Section 9.0, *Fire and Life Safety*, and Section 23, *Weapons Policy*).

2.13. Alcohol and other Drugs (see Section 4, *Alcohol and other Drugs*)

2.13.1. The cultivation, manufacture, storage, transportation, possession, use, abuse, distribution, sale, or trade of illegal drugs, as well as substances that are generally recognized as dangerous and detrimental to the individual and community, even though they may not be illegal (including, but not limited to, whippits, NBOME, synthetic cannabinoids, non-prescribed performance-enhancing drugs, etc.).

Possession requires that a person is: 1) in control of a substance, or 2) can access the substance without impediment, and 3) knows where and how to access it (such as in a drawer, closet, or other containing structure).

2.13.2. The unlawful distribution, possession, social sharing, non-prescribed use or abuse of prescription drugs.

2.13.3. The unlawful possession, use, abuse, purchase, promotion, manufacture, or distribution of alcohol or other legal drugs.

2.13.4. The possession of alcohol paraphernalia or other drug paraphernalia (see Section 4.3).

2.14. Fraud

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

2.14.2. Altering or forging the signature of any College official on a College document or other official, non-College records.

2.14.3. Use of another person's College identification card, regardless of whether permission was granted. This subsection does not preclude students from assisting another student from obtaining sick meals (see <https://www.amherst.edu/campuslife/housing-dining/dining/about-ac-dining/faq>).

2.14.4. Knowingly providing false, inaccurate, or misleading information to a College official.

2.15. 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.

2.16. Motor Vehicle Use

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

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

2.17. Fire and Life Safety

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

2.18. Hazing

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

2.19. Fraternity Policy

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

2.20. 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*.

2.21. Trespass

Knowingly accessing College buildings, portions of buildings, construction sites, restricted-access equipment or vehicles, or other restricted locales or structures where the restrictions are locally posted or have been made public (see Sections 9.34, *Confined Spaces and Tunnels*, 9.39, *Roof and Porch Access*).

2.22. Surreptitious or Unauthorized Observable Recording of Others

2.22.1. Audio and/or video recording of classes without advance approval from the instructor or as part of an approved disability accommodation.

2.22.2. Any other audio and/or video recording of any individual without that individual's knowledge or permission (see *MA General Law Part 4, Title I, Chapter 272, Section 99*).

2.22.3. The distribution of any recording without permission.

2.23. Drones & Model Aircraft Policy

Violations of the Unmanned Aerial Systems (“Drones”) & Model Aircraft Policy (see Section 24).

2.24. Posting Policy

Violations of the Posting Policy (see Section 25, *Posting Policy*).

2.25. Violations of College Policy

Conduct that violates policies, rules, and procedures posted by College departments and offices that may not also be included in this code.

2.26. Violations of Law

Conduct that violates local, state, federal, or otherwise applicable laws, statutes, regulations, codes, or ordinances, domestically or internationally. When an offense occurs over which the College has jurisdiction, the College’s Conflict Resolution Processes will usually go forward notwithstanding any criminal complaint that may arise from the same incident.

2.27. Complicity or Facilitation

2.27.1. Complicity with, facilitation of, or failure of any student to appropriately address known or obvious violations of the *Student Code of Conduct* or law.

2.27.2. Complicity with, facilitation of, or failure of any student group to appropriately address known or obvious violations of the *Student Code of Conduct* or law by its members.

2.28. Retaliation

Adverse action or threatened action taken or made, personally or through a Third-Party, against someone who has reported alleged violations of the Code, or has been the subject of a report, or any other individual (e.g., an adjudicator, witness, or advisor) because they engaged with an established disciplinary process. Retaliation does not apply to reports made or information provided in good faith, even if the facts alleged in the report are determined not to be accurate. Some examples of retaliatory behavior can include, direct or indirect, coercion, harassment, intimidation, threats, interference, or improper influence of another.

Section 3. Interim Title IX Policy

In May 2020, the U.S. Department of Education released new regulations that change the scope of sexual misconduct that falls under Title IX and which govern the investigation and grievance processes required for Title IX matters. This Interim Title IX Policy and Interim Title IX Grievance Process are based on those new regulations; both apply to students, faculty, and staff. Concerns of sexual misconduct that do not fall under this policy, due to the required narrowing of scope of behaviors covered by Title IX, continue to be prohibited by the College and may be adjudicated under the College's Non-Discrimination and Harassment Policy.

The College encourages the reporting of all forms of sex- or gender-based concerns. The College is committed to creating and to continually fostering a community of our care, fairness, dignity, and respect. The Amherst Title IX office is available to support all members of the community in matters related to sexual misconduct.

In accordance with the U.S. Department of Education's Office for Civil Rights guidance, the Interim Title IX Policy and Interim Title IX Grievance Process are effective as of August 14, 2020; they will only apply to reported Title IX Prohibited Conduct that is alleged to have occurred on or after August 14, 2020. Reported incidents of sexual misconduct that are alleged to have occurred before August 14, 2020 will be subject to the College's Sexual Misconduct Policy in place at the time of the alleged incident and will be investigated and adjudicated according to the processes in place for the 2019-2020 academic year.

Title IX Compliance Statement

Amherst College is required to adhere to all federal and state civil rights laws barring discrimination, including, but not limited to, Title IX of the Education Amendments of 1972 ("Title IX").

Amherst is committed not only to compliance with these mandates but also to a culture that promotes the promise of these equal opportunity civil rights laws. Title IX prohibits discrimination based on sex in educational programs and activities. Amherst has developed policies and procedures that prohibit sex discrimination in all of its forms.

Purpose of Policy

The purpose of this policy is to provide the Amherst College community with a set of expectations regarding sex-based conduct that is prohibited by the College and by Title IX. In addition, this policy also:

Identifies the Title IX Coordinator, Deputy Coordinators and their roles;

Provides definitions of behavior that are prohibited by this policy and by Title IX, including a Statement Against Retaliation;

Provides information about how College community members can obtain support and access confidential resources;

Provides information about how to submit to the College a report of behaviors prohibited by this policy;

Provides information about how a report against a College community member will be assessed; and

Provides information about the options available to resolve concerns of behaviors prohibited by this policy.

Amherst's Title IX Coordinators

Title IX Coordinator

The Title IX Coordinator oversees the College's centralized review, investigation, and resolution process for reports of Title IX Prohibited Conduct 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 and also leads the College's Title IX Team.

Laurie Frankl

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Converse Hall 105E
Amherst, MA 01002
413-542-5707
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Deputy Title IX Coordinators

Deputy Title IX Coordinators can be contacted by telephone, by email, video call, or in person during regular office hours. The duties and responsibilities of the Title IX and Deputy Title IX Coordinators include: supporting community members; training; and the oversight of policies and procedures.

For Students:**Dean Gendron**

413-542-2337
dgendron@amherst.edu

Angie Tissi-Gassoway

413-542-2337
atissi@amherst.edu

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For Staff & Visitors:**Maria-Judith Rodriquez**

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For Faculty:**Catherine Epstein**

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Overview

The College is committed to treating all individuals with dignity, care, and respect. All Amherst College community members affected by Title IX Prohibited Conduct have access to support resources through the College. The College encourages Amherst community members to seek the support of campus and community resources. The College can provide guidance about College policy and assist persons in obtaining information about available resources.

Individuals are encouraged to use all available resources, regardless of whether an incident occurred recently or in the past.

Amherst's Title IX Team

All reports are reviewed by the College's Title IX Team. This interdepartmental team, led by the Title IX Coordinator, oversees this policy. Members of the Title IX Team include the Title IX Coordinator, Deputy Title IX Coordinator(s) for students, representatives from the Office of Students Affairs, the Amherst College Chief of Police, and others as may be necessary.

The Title IX Team also oversees the resolution of reported Title IX Prohibited Conduct through the College's Title IX Grievance Process.

Application and Scope of Policy

This policy applies to all Amherst College community members, including students, faculty, and staff. This policy also applies to visitors, vendors, and independent contractors of the College. When used in this Policy, the term "employee" refers collectively to faculty and staff members.

All College community members are responsible for their actions and behavior, whether on or off-campus. Community members should be mindful of their behavior no matter where they are in the world. This policy applies both to on-campus and some off-campus conduct.

Off-Campus Conduct Review

Not all off-campus conduct falls within this policy. For purposes of determining whether off-campus behavior falls under this policy, the College will, as is required by federal law, review the off-campus conduct to determine if it meets the legal threshold for off-campus conduct that is covered by Title IX.

The Five-College Consortium

Amherst College has joined with Smith College, Mount Holyoke College, Hampshire College, and the University of Massachusetts Amherst to form the Five Colleges. Any College community member, including Five-College students and Amherst College students, who wishes to report concerning behavior that occurs at an institution other than their home campus may do so by contacting the Title IX Office at either: 1) their home institution; or 2) the institution where either: a) the behavior occurred or b) where the alleged perpetrator of the concerning conduct is enrolled. As appropriate, the Amherst Title IX Office will coordinate with another institution in support of any persons affected by reported Title IX Prohibited Conduct.

Coordination with Non-Discrimination

Title IX Prohibited Conduct can occur in conjunction with other forms of sexual misconduct or misconduct related to an individual's actual or perceived protected identity [race, national or ethnic origin, color, religion, sex or gender (including pregnancy, sexual orientation, gender expression, and gender identity), age (over 40), disability, genetic information, military service, or any other characteristic or class protected under applicable federal, state, or local law]. Targeting individuals on the basis of protected identity may constitute a violation of the College's community standards, this Policy, and/or the College's Non-Discrimination and Harassment Policy. When reports of Title IX Prohibited Conduct include allegations that community members may have been targeted for or subjected to misconduct because of their actual or perceived protected identity the College will, so long as it is possible under federal law, coordinate the investigation and resolution efforts. Formal Complaints that allege behaviors that are prohibited both by this Policy and other College policies may, but will not necessarily be, investigated and resolved in a consolidated manner.

Statement on Privacy

The College is committed to respecting privacy in responding to reported concerns of Title IX prohibited conduct. Consistent with the Family Educational Rights and Privacy Act of 1974 ("FERPA"), information related to a report

of discrimination or harassment will be shared with only those individuals who “need-to-know” the information in order for the College to properly assess and resolve the matter.

Although the Title IX office may choose to release aggregate statistics regarding implementation of this policy, no individually-identifiable information will be released by the College except as required by law or College policy.

If a report of Title IX Prohibited Conduct discloses an immediate threat to the College campus community, the College may, in accordance with its obligation under the Clery Act, issue a Timely Warning notice of the conduct to the community in the interest of the health or safety of the broader campus community. Immediately threatening circumstances include, but are not limited to, reported incidents of recently occurring Title IX Prohibited Conduct that include the use of force, a weapon, or other circumstances that may 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 (as applicable), 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.

Policy Definitions

Complainant

An individual who is alleged to have experienced conduct that could constitute Title IX Prohibited Conduct. A Complainant is not necessarily a person who has filed a Formal Complaint.

Formal Complaint

A Formal Complaint is a written document filed and signed by a Complainant (or otherwise showing that the Complainant is the one filing the document), or signed by the Title IX Coordinator, that alleges that a Respondent has engaged in Title IX Prohibited Conduct. The filing of a Formal Complaint with the Title IX Coordinator initiates the Title IX Grievance Process. At the time of filing a Formal Complaint, a Complainant must be participating in or attempting to participate in a Program or Activity of the College. All Formal Complaints will be investigated by the College. Where the Title IX Coordinator signs a Formal Complaint, the Title IX Coordinator is not a Complainant or otherwise a party.

Program or Activity

Locations, events, or circumstances over which the College exercises substantial control over both the Respondent and the context in which the Title IX Prohibited Conduct occurs. Examples include, but are not limited to: Book and Plow Farm; the Emily Dickinson Museum, and the Amherst College Wildlife Sanctuary. “Program or Activity” also includes any building owned or controlled by a student organization that is officially recognized by Amherst. “Program or Activity” broadly includes all operations of Amherst College in the United States including “any academic, extracurricular, research, occupations training, or other education program or activity operated” by the College. “Program or Activity” also includes computer and internet networks, digital platforms, and computer hardware or software owned or operated by, or used in the operations of, Amherst College.

Report

A disclosure of any incident or concern regarding Title IX Prohibited Conduct made directly to the Title IX Office, any Title IX Coordinator, any College employee with mandatory reporting responsibilities or to any other person who then subsequently shares the information with the Title IX Office.

Respondent

An individual who has been reported to have engaged in conduct that could constitute behaviors prohibited by this policy.

Title IX Prohibited Conduct is:

1. Conduct on the basis of sex;
2. Against a person in the United States;
3. That is alleged to have occurred in a College Program or Activity; and
4. That meets one or more of the following definitions:

Quid Pro Quo Sexual Harassment: A College employee conditioning the provision of an aid, benefit, or service of the College on an individual's participation in unwelcome sexual conduct;

Hostile Environment Sexual Harassment: Unwelcome conduct that a reasonable person would perceive as so severe, pervasive, and objectively offensive that it effectively denies a person equal access to a College Program or Activity.

Sexual Assault: Any sexual act directed against another person, without the consent of that person, including instances where the person is incapable of giving consent.

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. The existence of such a relationship shall be determined based on a consideration of the following factors: the length of the relationship; the type of relationship; and the frequency of interaction between the persons involved in the relationship.

Domestic Violence: Is violence, which includes felony or misdemeanor crimes of violence, committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

Stalking: 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.

Note: Other forms of sexual misconduct that do not fall under this policy may be prohibited by the College's Non-Discrimination and Harassment Policy.

Statement on Consent, Coercion, Incapacitation, and Alcohol & Drugs Consent is:

- A mutual agreement to engage in sexual activity.
- An **outward demonstration** of words and/or actions that clearly communicates a willingness to engage in sexual activity. Consent may not be inferred by arousal or by silence, passivity, lack of resistance, or lack of active response.
- **Continuous** and must be present from the beginning to end of each sexual encounter. Consent may be **withdrawn** at any time through words and/or actions that communicate a desire to stop. If consent is withdrawn, sexual activity must end immediately.
- **Specific** to each form of sexual activity. Agreement to one type of behavior is not agreement to another behavior. Consent to previous sexual activity does not mean consent to future sexual activity, regardless of relationship.
- **Informed and mutually agreed upon;** everyone involved must understand and agree to participate in sexual activity. A person who is incapacitated due to drugs or alcohol, sleep, or unconsciousness they are unable to consent.
- A **voluntary choice** to engage in sexual activity in which persons freely choose the activity without coercion, threats, or force.

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

Consent is not present if it results from the use or threat of physical force, intimidation or coercion, or any other factor that would impair an individual's ability to exercise their 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 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 indicates 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 and/or drugs are 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.

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.

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 policies and processes related to Title IX Prohibited Conduct
- Information about the availability of Supportive Measures
- Notice of the option to work with law enforcement and to be assisted by Amherst College Police or other College officials in accessing and communicating with such authorities. This notice will include a discussion of the importance of the preservation of evidence
- The opportunity to request that the College take steps to prevent unnecessary or unwelcome contact or communication with another member of the College community
- Prompt response to reports of retaliation. Any concerns of retaliatory behavior should be immediately reported to Amherst College Police and/or the Title IX Office.

On-Campus Resources

In addition to Confidential Resources listed in this Policy, all College 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. Staff listed below can support individuals and can assist in coordinating with the Title IX Office. 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 College's review of a Title IX report.

Amherst College Police Department 413-542-2111

ACPD is available 24 hours a day, every day.

Office of Student Affairs/ Administrator on Call 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.

Title IX Coordinator, Laurie Frankl 413-542-5707 | lfrankl@amherst.edu

Available during regular office hours.

Title IX Deputy Coordinators

Available during regular office hours.

- Dean Gendron (Students) | (413) 542-2337 | dgendron@amherst.edu
- Angie Tissi-Gassoway (Students) | 413-542-2337 | atissi@amherst.edu
- Maria Rello (Athletics) | (413) 542-8467 | mrelo@amherst.edu
- Catherine Epstein (Faculty) | (413) 542-2334 | cepstein@amherst.edu
- Maria-Judith Rodriguez (Staff, Administration, and Visitors) | (413) 542-2372 | mjrodriguez@amherst.edu

Community Advisors (CAs)

CAs (formerly Resident Counselors) are students living in the residence halls who are employed by the Office of Residential Life and trained to refer students to campus resources. CAs are mandated reporters.

Peer Advocates for Sexual Respect (PAs)

The Peer Advocates for 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 NOT mandated reporters.

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 best suited to their needs, whether on- or off- campus.

Emergency Response

- Amherst College Police Department 413-542-2111
- Amherst (Town) Police Department 413-259-3000

Health and Safety

- Amherst College Health Services 413-542-2266
- Cooley Dickinson Hospital 413-582-2000
- Emergency (Police, EMT, Fire): 911

Campus Reporting Options - Sharing a Concern with the College

All Amherst community members are strongly encouraged to report information regarding any incident of Title IX Prohibited Conduct to the Title IX Office. The College will review and respond to all reports of Title IX Prohibited Conduct. An individual does not have to decide whether or not to engage in the Title IX Grievance Process 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.

Private Report to the Title IX Office or to a Person Who Is Obligated to Share a Report with the Title IX Office

Any individual who is concerned about Title IX Prohibited Conduct affecting an Amherst College community member may provide that information to the Title IX Office in person, via email or telephone, or by using the online Sexual Misconduct Reporting Form.

Except when submitted pursuant to one's mandatory reporting obligations - as set forth below- a reporting party may choose to disclose their identity as the reporting party OR may choose to submit the report anonymously (see below).

Mandatory Reporters of Information Regarding Title IX Prohibited Conduct

Individuals may also disclose concerns to faculty, staff, and certain student employees who have been designated by the College as "mandatory reporters" of information regarding Title IX Prohibited Conduct.

All College employees, except those identified as Confidential Resources, including faculty and staff, certain student employees, and certain student volunteers, are required to share with the Title IX Office information they learn that gives them reason to believe that an Amherst College community member has been affected by Title IX Prohibited Conduct.

Mandatory reporters are not expected to understand with certainty whether or not the behavior they have learned about meets all of the parameters of the definitions of this policy. Mandatory reporters must report the information to the Title IX Office, who will work with affected persons.

Community Advisors, formally "Residence Counselors," must report to the Title IX Office any information regarding Title IX Prohibited Conduct of which they become aware at any time, regardless of whether they are serving in their role at the time they learned of the behavior.

Students also have the responsibility to report – to a member of the Title IX Office – instances of Title IX Prohibited Conduct 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**
- **LEAP Leaders**

Anonymous Reporting

Any individual may make an anonymous report concerning an act of Title IX Prohibited Conduct. An individual may report the incident without disclosing their name, identifying the Respondent, or requesting any action. Depending on the level of information available about the incident or the individuals involved, however, the College's ability to respond to an anonymous report may be limited.

Anonymous reports may be made by telephone at 888-497-1022, or online at: www.amherst.ethicspoint.com.

Ethics Point is a service that allows anyone to report suspected misconduct or other issues with complete anonymity, if so chosen. 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. Persons may also submit anonymous reports using the Sexual Misconduct reporting form and choosing not to submit their identifying information, though the College will be unable to confer with the reporting party.

Post-Report Requests for Confidentiality

The College will take all reasonable steps to review and respond to the reports consistent with any request by the Complainant for confidentiality or to not pursue an investigation. In doing so, the College may take steps to limit the

effects of the alleged Title IX Prohibited Conduct 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. 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.

Pursuant to Department of Education regulations, a Complainant's identity may remain undisclosed for the purpose of receiving Supportive Measures, where feasible. However, should a Formal Complaint be filed, the Title IX Grievance Process will be initiated and both parties will receive written notice of the alleged incident to be investigated, which will include the names of both parties.

Reporting Patterns of Title IX Prohibited Conduct

In the event that an individual believes that they may be experiencing behavior that is part of a pattern of Title IX Prohibited Conduct, they should document that behavior and report it to the Title IX Office.

Time Frame for Reporting

Individuals are encouraged to report Title IX Prohibited Conduct promptly in order to maximize the College's ability to respond. The College does not limit the timeframe for reporting. Adjudication processes under this Policy are not available for reports against Respondents who are no longer associated with the College. Further, a Complainant must be participating in or attempting to participate in a Program or Activity at Amherst at the time the complaint is filed. Regardless of the status of the Respondent, the College will conduct a Title IX review and take appropriate steps depending on the level of control (if any) the College has over the Respondent.

False Allegations / False Information

Anyone who makes a report or a statement or submits false information as part of any process described herein that is later found to have been both materially false and made in bad faith may be subject to disciplinary action. This provision does not apply to reports made in good faith, even if the facts alleged in the report are not substantiated by an investigation or by a finding on a Formal Complaint. No complaint will be considered "false" or "made in bad faith" solely because it cannot be corroborated.

Amnesty for Students Who Report Title IX Prohibited Conduct

The College encourages reporting and seeks to remove barriers to reporting. 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 Title IX Prohibited Conduct, 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.

Emergency/Immediate Options

The College encourages all individuals to seek assistance from a medical provider and/or law enforcement immediately after an incident of sexual assault, stalking, domestic violence, or dating violence. This is the best option to preserve evidence and to begin a timely investigative and remedial response. The College will assist any College community member with safety concerns 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 Department. Any individual can request that a member of the Amherst College Police Department respond and take a report. Students may request to speak with an Administrator on Call or a member of the Counseling Center. Faculty and staff may contact the College's [Employee Assistance Program](#). There is no requirement that an

individual file an incident report with the Amherst College Police Department in order to speak with an Administrator on Call, a member of the Counseling Center, or a representative of the Employee Assistance Program.

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 performed by a qualified Sexual Assault Nurse Examiner, to properly collect and preserve evidence. There is a limited window of time (typically no longer than 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 may assist in the preservation of the full range of options to seek resolution through the College's complaint processes or through the pursuit of criminal action. The College encourages individuals to obtain medical attention promptly after an assault.

Coordination with Law Enforcement

Conduct that is prohibited by this policy may also be criminal under Massachusetts law. The College can assist a Complainant in making a criminal report, either with the Amherst College Police Department or the Town of Amherst Police Department. Filing a report with a law enforcement agency does not require that a Complainant pursue a criminal prosecution. Reports to law enforcement will be forwarded to the Northwestern District Attorney's office for review. The College will, to the extent permitted by law, cooperate with law enforcement agencies if a Complainant decides to pursue the criminal process.

Court-Ordered Restraining Orders

In some cases, an individual may also wish to consider requesting that a local District Court issue an Abuse Prevention Order or a Harassment Prevention Order. These requests are civil proceedings that are independent of the College. Amherst College Police Department can assist community members in learning about and, if requested, filing paperwork with the Court to request an order of protection. 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.

Confidential Resources and Support – Making a Confidential Disclosure

The College encourages all Amherst community members to report concerns about Title IX Prohibited Conduct. The College recognizes, however, that not every individual will choose to report to the College or to local law enforcement. For those individuals who do not want their information to be reported to the Title IX Office, there are several confidential resources available for students, staff, and faculty. Staff at these resources are prohibited, either by state law and/or College policy, from releasing 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. Disclosures made to individuals at these resources will not be shared with the Title IX Office:

On-Campus Confidential Resources

Amherst College Health Services 413-542-2266

Services are available during regular office hours.

Counseling Center 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.

Religious & Spiritual Life Advisors 413-542-8149

Advisors are available 24 hours a day through the Administrator on Call or the Amherst College Police Department.

For Employees

Employee Assistance Program 800-828-6025

Ombudsperson Larry Hunt 413-542-5156

Off-Campus Confidential Resources

Center for Women and Community 413- 545-0800 / www.umass.edu/cwc

The CWC provides confidential 24/7 counseling 24 hours a day to support victims of sexual violence, regardless of their sex or gender.

University Health Services 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.

Cooley Dickinson Hospital 413-582-2000

Sexual Assault Nurse Examiner (SANE) available to conduct examinations.

Safe Passage 413-586-5066 / www.safepass.org

A confidential 24/7 domestic violence hotline.

Statement Against Retaliation

Amherst College prohibits retaliation. Depending on the circumstances, retaliation may also violate applicable state and/or federal law.

Retaliation is any adverse action taken against a person because of their participation in the processes described in this policy. Such participation includes, but is not limited to: filing a report under this policy; providing information to, or otherwise cooperating with, the Title IX Team, or another College department; or supporting a party in the process of resolving an allegation of Title IX Prohibited Conduct. This policy's prohibition against retaliation applies to an individual reporting conduct under this policy—even if the content of the report is later disproved—as long as the report was made in good faith.

Title IX Review of Reports

The Title IX Team is positioned to provide seamless and equitable support to any Amherst College community members affected by alleged Title IX Prohibited Conduct, to assess campus safety and to respond to allegations of Title IX Prohibited Conduct.

Initial Assessment of Reports of Title IX Prohibited Conduct

The College will review and respond to reports of Title IX Prohibited Conduct. 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 Title IX Prohibited Conduct, the College, through members of the Title IX Team, 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. The College will seek to respect any requests 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. The College's responsibility to review and respond to all allegations of Title IX Prohibited Conduct exists regardless of how the matter is ultimately resolved.

Supportive Measures

Upon receipt of a report, the Title IX Coordinator will contact the Complainant to discuss the availability of Supportive Measures. The Title IX Coordinator will consider the Complainant's wishes with respect to Supportive Measures and inform the Complainant of the availability of Supportive Measures.

Supportive Measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or the Respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the College's education program or activity without unreasonably burdening the other party, including measures taken in the interest of the safety of all parties or the College's educational environment, or to deter sexual harassment. The College will determine the necessity and scope of any Supportive Measures. Even when a person involved with the Title IX process does not specifically request that action be taken, the College may choose to implement Supportive Measures at its discretion in the interest of individual and/or community safety, or the integrity of the Title IX process.

Supportive Measures may include, but are not limited to:

No-Communication and Restricted Proximity Order (NCRPO)

Also known as No Contact Orders. A student may request, or the College may impose, communication and contact restrictions between College community members. In general, communication restrictions preclude in-person, telephonic, electronic, or third-party communications. 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 academic or employment modifications or a change in residence after a report of Title IX Prohibited Conduct. An individual who requests assistance in changing their academic or residential situation will receive appropriate and reasonably available modifications.

Emotional Support

The College will provide counseling services, for students, through the Counseling Center or will assist in providing a referral to off-campus agencies.

The College will maintain as confidential any supportive measures provided to the Complainant or Respondent, to the extent that maintaining such confidentiality would not impair the College's ability to provide the Supportive Measures. The Title IX Coordinator or their deputy are responsible for coordinating the effective implementation of Supportive Measures.

All individuals are encouraged to report concerns about the failure of another individual to abide by any restrictions imposed by a Supportive Measure. The College will take responsive action to enforce measures previously ordered or implemented by the College.

Emergency Removals

The College may remove a Respondent on an emergency basis where the appropriate College personnel determine that a Respondent poses an immediate threat to the physical health and safety of any individual, including the Respondent's own physical health and safety, regardless of whether there is a pending Title IX Grievance Process. An emergency removal is not limited to instances where the Complainant has reported an alleged sexual assault. Emergency removal may also be necessary to address other forms of alleged Title IX Prohibited Conduct or behaviors related to alleged conduct.

The College will engage in the following four-step process when evaluating the necessity of an emergency removal:

STEP 1: The College will conduct a prompt individualized threat analysis which will focus on the particular Respondent and examine the specific circumstances arising from the allegations of Title IX Prohibited Conduct that may pose an immediate threat to a person's physical health or safety.

STEP 2: The College will make a finding based on the individualized threat analysis focusing on whether (1) there is an immediate threat justifying and compelling an emergency removal; (2) the threat is to the physical health and safety of one or more individuals; and (3) the emergency situation specifically arises from the allegations of Title IX Prohibited Conduct.

STEP 3: The College will consider the appropriateness of other Supportive Measures in lieu of removal.

STEP 4: The College will provide the Respondent with notice and an opportunity to appeal the emergency removal.

Appeal of Emergency Removal

Respondents who have been removed from campus on an emergency basis may appeal the separation decision. Appeals of emergency removal decisions consist of an opportunity for the community member to speak with a member of the College administration to articulate the reasons why the separation decision should be reversed. Students who have received notice that they have been removed from the College on an emergency basis can appeal that decision to the Dean of Students, or designee, by sending an email to the Dean of Students, within 72 hours of receipt of notice of the removal decision, and requesting a meeting to request an appeal meeting. Staff members who have received notice that they have been placed on administrative leave can appeal that decision by sending an email to the Chief Human Resources Officer, or designee, within 72 hours of receipt of notice of the removal decision, and requesting an appeal meeting. Faculty members who have received notice that they have been removed on an emergency basis can appeal that by sending an email to the Provost and Dean of the Faculty, or designee, within 72 hours of receipt of notice of the removal decision, and requesting an appeal meeting. Decisions on appeals will be made in writing. The College will endeavor to provide the written decision within 48 hours of the appeal meeting.

Investigative Leave

At the discretion of the College, Faculty and staff Respondents may be placed on Investigative Leave after a Formal Complaint has been filed against them.

Section 4. Alcohol and Other Drugs

The responsible administrator for this section is the Office of Community Standards. The Office of Student Affairs has approval authority.

4.0. Introduction

Given the academic, and social 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.

Any student under the influence of intoxicants or drugs is 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 indication that the student is unwilling to abide by College regulations. Violations of the policy on AOD result in sanctions such as exclusion from participation in educational programs, fines and parental notification, and may include denial of campus residence or a Housing Selection 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 (i.e., the use of a fake ID) is a crime punishable by a fine of up to \$300 or by imprisonment of up to three 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.

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

General Bylaws of the Town of Amherst are found at:

<https://www.amherstma.gov/DocumentCenter/View/1967/Town-of-Amherst-General-Bylaws>

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 (Special Town Meeting – May 20, 1990).

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 (Special Town Meeting—February 26, 1986 – Art. 51).

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

4.3.1. If the Dean of Students, the Director of Community Standards, or designee 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, *Sanctions and Corrective Actions*).

4.3.2. Kegs are prohibited from first-year residence halls. Kegs are permissible in other residence halls only upon the issuance of a keg license as described in Section 4.2.1, *Keg Licensing Enforcement*.

4.3.3. Alcohol in any volume may only be possessed, stored, or used in bedrooms assigned to persons who are 21 or more years of age. Consequently, alcohol is not permitted for possession, storage, or use in lounges, hallways, or other parts of residence halls or other buildings on campus except when the College has expressly authorized it. Examples of authorizations may include College-authorized tent parties and College-authorized or sponsored events.

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 cannabis, tobacco, e-cigarettes, or other related devices that create smoke or vapor in campus buildings is prohibited.

4.3.7. It is the responsibility of individuals and student groups to ensure that legally possessed alcohol is not stored in an unsupervised manner in which someone underage may access it.

4.3.8. No College funds may be used to purchase alcohol or to support 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. Students are expected to follow all posted signs and instructions of the Amherst College Police Department or the Amherst College Athletics Department concerning the use of alcohol at athletic events.

4.3.10. Events with alcohol must follow College guidelines published by the Office of Student Affairs.

4.3.11. Any student group 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 the Office of Residential Life 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(s) or student group(s) are prohibited from hosting events for which funds are collected and used for personal profit.

4.3.12. 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 (<https://www.amherst.edu/mm/122652>).

4.3.13. No person is permitted to use alcohol or other drugs where there is increased safety risk, including but not limited to porches, balconies, stairwells, or roofs.

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, contact the Amherst College Police Department (ACPD) at (413) 542-2111. ACPD will respond and evaluate the student. Where appropriate, the Amherst College Emergency Medical Services (ACEMS), an Emergency Medical Technician (EMT), or a First Responder (FR) will accompany ACPD. 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 Dean of Students, Director of Community Standards, or designee 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

The responsible administrator for this section is the Office of Community Standards. The Office of Student Affairs and Amherst College Athletics have approval authority.

5.0. Introduction

Amherst College encourages student participation in athletics and student organizations. Such involvement enriches the College experience and can contribute significantly to the social and leadership development of Amherst College students. Antithetical to that experience and to the mission of the College is the practice of hazing, which is a violation of College policy and may also be a violation of state law.

Students, faculty, staff, and family and guardians of students should acquaint themselves with the information and links in this section so that they may identify possible occurrences of hazing and understand consequences of such behavior. If you suspect that someone is being hazed, you are encouraged to contact the Office of Student Affairs (413-542-2337).

5.1. Definition

Amherst College defines hazing more broadly than Massachusetts General Law to include any activity that is part of an initiation or admission into a group or is required for continued acceptance in a group and that encompasses one or more of the following:

- physically or psychologically embarrasses, demeans, degrades, abuses, or endangers someone regardless of that person's willingness to participate;
- categorizes members of the group based upon seniority or standing or otherwise emphasizes the relative power imbalance of newer members;
- involves the consumption of alcohol, drugs, or other substances;
- removes, damages or destroys property;
- results in the disruption of College or community activities, the educational process, or the impairment of academic performance; and/or
- violates a College policy and/or a state law.

This definition pertains to behavior on or off campus and applies whether or not the participants or others perceive the behavior as "voluntary." The implied or expressed consent of any person toward whom an act of hazing is directed does not relieve any individual, team, or organization from responsibility for their actions nor does the assertion that the conduct or activity was not part of an official organizational or team event or was not officially sanctioned or approved by the organization or team.

Longstanding team or organizational traditions that are carried over from year-to-year sometimes constitute hazing. Discontinuing inappropriate traditions can be especially difficult because of pressure from within the group or from alumni. Such pressure, however, is not an excuse for unacceptable behavior; the College expects students to adhere to College policy and state law.

Some incidents of hazing are more serious than others. Generally, the greater the actual or potential physical or psychological harm, the more severe the hazing. Hazing incidents typically involve the planners and organizers, bystanders (those who participate but were not hazed or involved in the planning or organizing), and victims (those who were hazed). All involved are responsible for their behavior, but consequences will typically differ based on the seriousness of the incident and one's level of responsibility, planning, or participation.

5.2. Adjudication

Violation of the hazing policy may subject an individual or student group to adjudication by the College through the Conflict Resolution Process, with penalties up to and including suspension or expulsion for individuals and revocation of organizational recognition and funding or forfeiture of a season or disbandment in the case of a student group. See Chapter II, *Conflict Resolution Processes*, for additional information.

5.3. Examples of Hazing

No policy can address, in specific fashion, all possible activities or situations that may constitute hazing. The determination of whether a particular activity constitutes hazing will depend on the circumstances and context in which that activity is occurring, and that determination will be made by the Office of Student Affairs.

Examples of mild to more severe hazing include, but are not limited to, any of the following activities that are part of an initiation or admission into a group or required for continued acceptance in a group:

- physical or verbal abuse of any kind or implied threats of physical or verbal abuse;
- branding or other body markings;
- encouraging or requiring a person to consume alcohol, drugs, unusual substances or concoctions;
- encouraging or forcing a person to violate Massachusetts law or College policy such as total or partial nudity in public, theft, or trespassing;
- confining a person or taking a person to an outlying area and dropping that person off;
- servitude such as encouraging or requiring a person to run personal errands, cook, clean, etc.;
- requiring a shaved head or other haircut;
- stunt or skit nights with degrading, crude, or humiliating games or acts;
- “mind games” or creating real or perceived psychological uneasiness or harm;
- encouraging or requiring public stunts or buffoonery;
- encouraging or requiring the wearing or carrying of apparel or items likely to subject the wearer to embarrassment, ridicule, or harm;
- encouraging or requiring members to participate in inappropriate scavenger hunts or road trips;
- depriving a person of sleep;
- expecting certain items to always be in one’s possession; and
- requiring new members/rookies to perform duties not assigned to other members. Note: duties like carrying water to practice can be a first-year responsibility if other team members have similar responsibilities or all responsibilities are rotated among team members.
- encouraging or requiring the participation of activities that are expected to demean other members of the group or of the campus community

A failure to address and/or report an act of hazing committed against another individual may also be considered an abuse of power and a violation of this policy.

Note: Hazing does not include actions or situations that are subsidiary to officially sanctioned and supervised College activities such as athletic training and events (e.g., running extra laps at practice).

5.4. Resources

All Amherst students have access to a variety of resources provided by the College that provide crisis intervention services, counseling, academic support and medical services.

[Amherst College Office of Student Affairs](https://www.amherst.edu/mm/64900): <https://www.amherst.edu/mm/64900>

[Amherst College Counseling Center](https://www.amherst.edu/mm/46312): <https://www.amherst.edu/mm/46312>

[Amherst College Student Code of Conduct](https://www.amherst.edu/mm/531270): <https://www.amherst.edu/mm/531270>

[Amherst College Keefe Health Center](https://www.amherst.edu/mm/64968): <https://www.amherst.edu/mm/64968>

[StopHazing.org](http://www.stophazing.org/): <http://www.stophazing.org/>

5.5. Massachusetts Hazing Law

[Massachusetts Hazing Law Section 17: Hazing defined](https://malegislature.gov/Laws/GeneralLaws/PartIV/TitleI/Chapter269/Section17)

<https://malegislature.gov/Laws/GeneralLaws/PartIV/TitleI/Chapter269/Section17>

[Massachusetts Hazing Law Section 18: Failure to report hazing](https://malegislature.gov/Laws/GeneralLaws/PartIV/TitleI/Chapter269/Section18)

<https://malegislature.gov/Laws/GeneralLaws/PartIV/TitleI/Chapter269/Section18>

[Massachusetts Hazing Law Section 19: Issuance to students](https://malegislature.gov/Laws/GeneralLaws/PartIV/TitleI/Chapter269/Section19)

<https://malegislature.gov/Laws/GeneralLaws/PartIV/TitleI/Chapter269/Section19>

Section 6. Fraternities

The responsible administrator for this section is the Amherst College Board of Trustees. The Amherst College Board of Trustees has approval authority.

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.

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 responsible administrator for this section is the Office of Residential Life. The Office of Student Affairs has approval authority.

In addition to the information below, each student is expected to follow the expectations shared in their Residential Agreement and the Residential Life and Community Guidelines 2020-2021.

7.0. Introduction

The Office of Residential Life aims to facilitate the development of safe, informed, inclusive, and engaged residence halls. Our communities foster an environment of support, the provision of peer advice, conflict resolution, and referrals to individuals and groups. We champion the student code of conduct, in order to cultivate a neighborly residential experience.

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. Room Assignment and Room Change Requests

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.

Students who wish to consider changing their room assignment must contact the Office of Residential Life via their locally-assigned Community Development Coordinator or other professional staff member to inquire about the possibility of a move. All moves must be approved and coordinated by the Office of Residential Life. 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.

7.3. Room Condition Inventory

Room Condition Inventory is conducted by Custodial Services for every space prior to move-in each August. Students assigned to each room are held accountable for leaving rooms in the written condition when moving out. Students agree to reimburse Amherst College for damages and defacement of the space they occupy during the term of their contract exclusive of normal wear. If there are any discrepancies or concerns with the room inventory, they should be reported to the Office of Residential Life reslife@amherst.edu.

7.4. 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.

7.5. Inspections

College officials retain the right of access to students' rooms at all times.

College officials may periodically inspect students' rooms to check the condition of safety systems, structure, and furnishings.

During vacations, efforts are made under the authority of the Director of Residential Life to recover from residence hall rooms misappropriated College property.

During the academic year, Facilities and members of the College community make periodic room inspections to determine hall or furniture damage. When reasonably practical 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.

7.6. Energy Conservation

Facilities are actively involved in energy conservation. Energy problems should be reported to the Service Desk at (413) 542-2254 or servicectr@amherst.edu. Students should call (413) 542-2644 for answers to questions pertaining to energy conservation. The following is a general outline of energy conservation procedures.

7.6.1. 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 the Service Center at (413) 542-2254 for assistance. If your room is too hot even with the thermostat turned all the way down, please call 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.

If/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 residence hall 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.

7.6.2. 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.

7.6.3. 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.

7.6.4. 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!

7.7. Gender-inclusive Housing

The Office of Residential Life is committed to providing inclusive residential communities. The following questions assist our office in creating better-informed first-year assignments.

When making room assignments, we carefully consider the preferences you indicate on your First-Year Housing Questionnaire. Because assignments are guided by many factors, we may not be able to meet all preferences you indicate in your Questionnaire. We expect that all students will respectfully share residence halls and contribute to a residential living community that fosters a welcoming and inclusive environment.

Gender-Inclusive Restrooms:

In each first-year residence hall, there are single gender as well as gender-inclusive restrooms. The restrooms are distributed such that a student would have to travel a limited distance, (such as one floor level) depending on the restroom preference. To learn more about gender-inclusive restrooms, please visit the Queer Resource Center’s website.

Floor Preference:

Students may indicate whether they prefer to live in an all-women, all-men, or gender-inclusive community or may indicate that they have no preference. While the Office of Residential Life endeavors to place as many students as possible in communities that meet their preference, if the number of students who hope to live in single-gender communities exceeds the available

LGBTQ+ Affirming Space Preference:

Students who value maintaining space in their rooms that is welcoming and affirming to LGBTQ+ students (i.e. folks who identify as lesbian, gay, bisexual, pansexual, asexual, transgender, non-binary, or genderqueer, queer, or questioning, etc.) may be considered as roommates for others with the same or similar values.

7.8. 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.

7.9. Vending

Dining Services and Residential Life work together to bring you vending options in each of our residence halls and many academic buildings. Students can use cash, or AC\$ in all the vending machines. We work directly with our vendor to offer a variety of snacks, beverages and other items. If you have any questions about vending, concerns about the machines, or would like to make suggestions, please reach out to valentine@amherst.edu.

7.10. Storage

Information about Amherst College student storage can be found at [Storage & Laundry Options | General Housing Information](https://www.amherst.edu/campuslife/housing-dining/residential-life/housing/storage) (<https://www.amherst.edu/campuslife/housing-dining/residential-life/housing/storage>).

7.11. Bicycle Storage

Information about Amherst College student bicycle storage can be found at the Bike Registration Program.

7.12. Guests

Students enjoy the privilege to invite guests to their assigned bedroom or suite to which they are assigned, as well as the common areas in the host's assigned residence hall or other common areas in other halls to which the host has authorized access. A guest is any person who is not assigned to the bedroom or suite in which they are present. Therefore, a guest may be an Amherst College student who lives in another room or off-campus, or any non-student. All guests are limited to a maximum stay of three consecutive nights. The host must receive unambiguous approval for any guest's stay with all roommate(s) or suite-mates as appropriate. Guests who drive to campus must register their vehicles with Amherst College Police Department. Abuse of this policy may result in the abridgment of this privilege to host guests for a specified period of time, or indefinitely.

7.13. Courtesy and Quiet Hours

The right to reasonable peace and quiet in the residence halls generally supersedes the right to make noise.

Courtesy hours are observed 24-hours a day throughout all residence halls. When asked by another resident or staff member to reduce the noise level, residents are expected to immediately comply as a courtesy to other community members.

Quiet hours are in effect Sunday through Thursday from midnight to 8:00 am, and Friday and Saturday from 2:00 am until 10:00 am. During these times, noise should not be heard outside of a resident's room when their door is closed. Some changes to quiet hours may be made to a resident's individual community by working with the Office of Residential Life.

Gatherings in common spaces should also follow quiet and courtesy hour expectations.

7.14. Move-out Deadline

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 a consolidated 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.

7.15. 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 to which they were assigned during the spring semester. Questions about housing during Commencement week should be directed to 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 student's expense.

7.16. 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.

7.17. 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 their Community Advisor, so that repairs can be made. Damages may also be reported directly to the College's Service Center at servicectr@amherst.edu.

In case of reckless or intentional damage, the person(s) responsible may be subject to sanctions that include financial restitution. Students will also be held accountable for damage caused by their guests (see Section 7.2, Guests). In addition, costs associated with discharged fire extinguishers and items damaged in, or missing from, the lounges or common areas may be charged to the responsible student.

7.18. College-Owned Furniture

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

7.18.1. A fee will be assessed to the assigned residents of a room for any/every item of misappropriated or damaged College property.

7.18.2. 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. Students are not permitted to remove College-issued furniture without prior written approval by Accessibility Services or other relevant College authority. **Effective July 1, 2019 no student, except those with prior written approval by Accessibility Services or other relevant College authority, may remove or store outside the student's assigned room, any College-issued furniture.**

7.18.3. In the event that common-area furniture is moved and left outside a student residence, a \$50-per-item moving fee, 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.

7.18.4. Students are not permitted to use cinder block bed risers. Students can use purchased bed risers that are no higher than 6 inches and must follow the lofting regulations in Section 9.35.

7.18.5. Common Area Lounge Furniture

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

7.19. Keys

Concerns with keys should be reported to the Locksmith at (413) 542–2254. When leaving (i.e., taking a leave, leaving for the summer or study away period, or other status change) the College for any reason, your room key MUST be returned to Amherst College Police Department unless otherwise directed. Students responsible for lost key(s) or who do not return a key at checkout, will be assessed a lock charge:

- Single Room - \$75
- Double-Occupancy Room - \$77
- Triple-Occupancy Room - \$79
- Any Suite Configuration - \$150

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 for removal.

7.20. Billing

Students who wish to receive more information about items on their bills should telephone the Office of the Controller at (413) 542–2101 or contact the Office of Residential Life (413) 542-2161 or reslife@amherst.edu.

7.21. Solicitation

Non-student vendors are prohibited from selling, soliciting, or making deliveries in College residences without prior authorization from the Office of Residential Life and the Amherst College Police Department. Students are expected to verify if a non-student vendor is authorized to be present on-campus by contacting the Office of Student Activities.

Students may not operate a business, profit-making enterprise, nor sell in College residences (see Section 11).

7.22. Ceilings and Walls

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. For additional information see Section 9.3., Ceilings and Walls. The following suggestions have been prepared by Facilities:

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

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

7.22.3. 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.

7.22.4. Students are not permitted to use nails to affix anything to the walls for any reason.

7.22.5. Students are not permitted to paint the walls or ceilings of their rooms. Financial restitution will be assigned to a student's account if this subsection is violated. .

7.22.6. Curtains must not be used as bedroom, common room, or hallway dividers under any circumstances, whether the curtains are fire-safe or not.

7.22.7. 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.

7.23. Satellite Dishes and Antennae

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

7.24. 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.

Section 8. Service and Support Animals

The responsible administrator for this section is Accessibility Services. The Office of Student Affairs has approval authority.

8.0. Introduction

Accessibility Services oversees student requests for assistance animals at the College. For information or clarification about requesting an assistance animal and submitting documentation for review, contact Accessibility Services at (413) 542-2337 or accessibility@amherst.edu. Documentation should be submitted to Accessibility Services no later than 7 days in advance of the deadlines and other procedures specified by the Office of Residential Life. Please carefully review all rules and requirements that apply to the use of assistance animals on college property. Alleged violations of this Section are resolved through the College's Conflict Resolution Processes (see Chapter II, *Conflict Resolution Processes*). Accessibility Services and Community Standards may enforce emergency or interim measures related to assistance animals (see *Section 8.9, Removal of Animal*).

8.1. Definitions

Assistance Animal: Either a service animal or support animal as defined below.

Service Animal: Any dog that is individually trained to do work or perform tasks for an individual with a disability.

Support Animal: Animals that provide emotional support or comfort that alleviates one or more identified symptoms or effects of a person's disability. Unlike a service animal, a support animal does not require training. Support animals include domesticated animals traditionally kept in the home, such as a dog, cat, small bird, hamster, gerbil, other rodent, fish, or turtle. Reptiles (other than turtles), barnyard animals, monkeys, kangaroos, and other non-domesticated animals are not considered common household animals.

Pet: an animal kept for ordinary benefit and companionship

8.2. Domain/Housekeeping

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

8.2.2. All animals must be housebroken if species appropriate. For species that cannot be housebroken, the animal will not have free (uncaged/uncrated) access to the residence hall bedroom or other spaces.

8.2.3. 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.

8.3. Residence Hall Responsibilities and Acknowledgements

8.3.1. All animals must be caged/crated when not being held or handled by the owner, or when the owner is not present in the residence hall room with the animal. This is for the safety of the animal as well as others, particularly in the event of a building emergency.

8.3.2. Support animals may only be in the owner's assigned residence hall room. Support animals are not allowed in any other portion of the residence hall, including common spaces or other student's rooms.

8.3.3. Service animals are permitted to accompany the individual with a disability in all public areas on campus. Under limited circumstances a service animal may be excluded from a certain area where the animal's presence may cause a fundamental alteration to the nature of the service or program provided in the area.

8.3.4. If a roommate or suitemate objects to the animal's presence for reasons other than medical (medical objections are resolved per Conflicting Disabilities Section 8.3.5.), the Office of Residential Life will work to resolve the conflict, which may require one or more students, including the Owner, to be relocated. Note: If a person with the animal was assigned housing prior to a person with a concern, the person with the animal may not be reassigned.

8.3.5. Conflicting Disabilities: Students with medical condition(s) that have a health or safety-related concern about exposure to an animal in the residence hall should immediately contact the Office of Residential Life. Documentation of a medical condition will be required via Accessibility Services. The Office of Residential Life and Accessibility Services will work to resolve a conflict, considering the conflicting needs and/or accommodations of all persons involved.

8.4. Owner Control

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

8.4.2. No 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 animal each night. All animals must be removed from the College premises during any recess/break period where the owner has not been given permission to remain in campus housing.

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

8.5. Animal Behavior

The 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. Vaccinations/Health

8.6.1. All animals must be current on species appropriate vaccinations required in the Commonwealth of Massachusetts, and the Town of Amherst. It is the owner's responsibility to know and understand these ordinances, laws, and regulations. A copy of the vaccinations must be submitted to Accessibility Services prior to

the animal coming to campus. It is the owner's ongoing responsibility to make sure the vaccinations have not lapsed, and to provide updated paperwork to Accessibility Services prior to bringing the support animal to campus and prior to taking residency in a new housing assignment.

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

8.6.3. Measures should be taken at all times to maintain flea, tick, and odor control. All 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.).

8.7. Waste Removal

8.7.1. 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.

8.7.2. It is the responsibility of the owner to pick up all animal waste, including feces, vomit, and diarrhea.

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

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

8.7.5. 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.

8.8. Financial and Other Obligations

8.8.1. An owner who has an 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.

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

8.8.3. 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.

8.8.4. In the event that an animal must be removed from campus, the owner will be responsible for all expenses associated with the removal.

8.8.5. By bringing an animal to campus, the owner understands and agrees that the owner is solely responsible for the wellbeing 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.

8.9. Removal of Animal

There are several reasons why it may be necessary to remove an animal from campus. It is the responsibility of the owner to remove the animal from campus. Failure to remove the animal promptly may result in other disciplinary action under Section 12. Examples include, but are not limited to:

8.9.1. The animal is out of control, displays vicious behavior

8.9.2. The animal is disruptive (unreasonable noise, running around, nipping, biting, scratching, etc.)

8.9.3. The animal is not housebroken

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

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

8.9.6. The animal is not appropriately restrained

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

8.9.8. The animal is being mistreated or abused

Section 9. Fire and Life Safety

The responsible administrator for this section is the Environmental Health and Safety Office. The Environmental Health and Safety Office has approval authority.

9.1. Candles and Open Flame/Combustion 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 either the Environmental Health and Safety or the Amherst College Police Department. Additional information and resources about candles can be found on the [Environmental Health and Safety website](#).

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

9.1.2. The use of any smoking material(s) 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.

9.2. 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.

9.2.1. 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.

9.2.2. Carbon monoxide detectors are life safety devices. Damaging or using the detectors improperly will result in adjudication, as well as potential restitution charges for labor by Facilities staff.

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

9.2.4. 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.

9.3. 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. Additionally, the following expectations apply:

9.3.1. Items cannot block or partially obstruct a smoke detector.

9.3.2. Items cannot block or partially obstruct a fire alarm horn or strobe.

9.3.3. Items cannot interfere with the operation of a sprinkler system.

9.3.4. Items cannot be hung from sprinkler heads or piping.

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

9.3.6. Students are responsible for the cost of repairing any damage caused by their failure to abide by these policies.

9.4. Fire Reporting Procedure

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

9.4.1. Close the door to contain the fire

9.4.2. Alert people in the area

9.4.3. Pull the fire alarm (located by the exit doors) and call the Amherst College Police Department at (413) 542-2111

9.4.4. Extinguish the fire extinguisher (if trained), the fire is small and you feel comfortable or Evacuate to your designated accountability area

9.5. Fire Evacuation Procedure

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

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

9.5.2. 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.

9.5.3. 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.

9.5.3.1. Once outside, students should proceed to the pre-designated area, 50' away from the building and doors, to make sure that they are accounted for. Each residence hall has a designated area, as well as an alternate shelter for inclement weather. If occupants were unable to get out of 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.

9.6. 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, they 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 their 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.

9.7. 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.

9.7.1. 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.

9.7.2. Never force a person to leave or become confrontational. 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. Faculty and 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.

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.

9.8. 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.

9.8.1. Means of egress shall include, but are not limited to, corridors, door- ways, 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.

9.8.2. 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.

9.8.3. 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.

9.8.4. 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. Items left in the corridors may be removed and destroyed by the College.

9.8.5. 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. 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 corridor 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.

9.9.1. 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.

9.9.2. 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.

9.9.3. 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.

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.

9.9.4. Fire extinguisher training is available, upon request, through the Office of Environmental Health and Safety.

9.10. Fireplaces

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

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

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

9.10.3. 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.

9.10.3.1. Refer to [Fireplace Safety Training](#) on the Environmental Health and Safety website for additional information and requirements.

9.10.4. Fireplaces are not to be used for cooking.

9.11. 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.

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

9.11.2. Any items remaining after that date will be disposed of by the College at the student's expense.

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

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

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

9.11.6. 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.

9.12. 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:

9.12.1. Candles, incense or open-flame devices, unless previously approved by the Office of Environmental Health and Safety (EH&S),

9.12.2. Live cut trees or other sawn trees,

9.12.3. Live cut wreaths or other decorative wreaths,

9.12.4. Cornstalks or shucks,

9.12.5. Cotton or confetti,

9.12.6. Dry moss or leaves,

9.12.7. Hay or straw,

9.12.8. Paper streamers,

9.12.9. Sawdust or wood shavings,

9.12.10. Tree branches or leaves.

9.12.11. 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.

9.12.12. Lights must be hung below the ceiling, using a non-conductive material (e.g., string or tape).

9.12.13. 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.

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

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

9.13. 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 criminal prosecution.

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. Amherst College has adopted this approach to help prevent “false-alarm apathy.”

9.14. 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 criminal prosecution.

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.

9.15. Fire Detection and Suppression Equipment Tampering

Unauthorized modifications of or tampering with the fire detection and/or suppression system (including fire extinguishers) in any building or room will result in criminal prosecution.

9.16. 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.

9.17. 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 criminal prosecution.

9.18. Burning of Building Component(s) or a Building

Any person who sets fire, knowingly or accidentally, to components of a building (i.e., doors, bulletin boards, furniture) and/or the building itself will face adjudication, expulsion from College housing and/or criminal prosecution. In addition, the responsible Individual(s) will pay for any damage or replacement costs.

9.19. 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 improper use of cooking equipment, are addressed in a later section.

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.

9.20. 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 criminal prosecution.

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

9.21. Fireworks

Any person possessing and/or discharging fireworks on campus will criminal prosecution.

9.22. Smoking

The use of any smoking material(s) is not permitted in, or within 25 feet of, any building at Amherst College.

9.22.1. 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.

9.22.2. 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. Sprinkler Systems

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

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

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

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

9.23.4. 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.

9.23.5. In addition to potential criminal charges, the responsible individual(s) will pay for any damage or replacement costs for damage, obstruction or tampering with a fire suppression system.

9.24. 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.

9.24.1. Aisles must be adequate in width and passable.

9.24.2. Housekeeping must be maintained.

9.24.3. Empty combustible boxes must be discarded.

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

9.24.5. 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). Items improperly stored may be removed or destroyed by the College. 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.

9.25. Biohazards

The inappropriate or intentional discharge, containment, or collection 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.

9.25.1. Students who require a sharps container for disposal of needles/syringes and other sharps can request a Sharps Container from the Office of Environmental Health & Safety by calling (413) 542-8189. EH&S will also pick up the containers when full for disposal through our Biohazardous Waste disposal company.

9.26. 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.

9.27. 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. Individuals responsible for improper storage, use and/or disposal of hazardous materials and waste may be required to pay the cost of cleanup and disposal.

9.28. 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 irritation 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:

- 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.

9.29. 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.

9.30. 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. Note: Exceptions exist for service and support animals. Please see Section 8, *Support Animals*, for more information.

9.31. 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.

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.

9.32. 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.

- 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.

9.33. 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 criminal prosecution.

9.34. 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.

9.35. 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 non-conductive 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.

9.36. Elevators

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. Intentional damage caused to elevators will result in a referral to the Office of Student Affairs.

9.37. Roof and Porch Access

For safety and regulatory reasons, students are not permitted on the balconies, excluding the Valentine balcony, 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.

9.38. 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.

9.39. 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.

9.40. Kitchens

It is the responsibility of the students to properly maintain the kitchens and associated areas of 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, and to discourage unwanted bugs and rodents. Failure to keep the kitchen area in proper sanitary condition could result in closing the kitchen and/or locking out the stove.

- Prepared foods placed inside the refrigerator must be properly covered in a tightly sealed bag or container, labeled (which have been provided by EH&S) and dated for health reasons.
- Dry goods such as beans, flour, nuts and rice should be packaged in their original containers, and if in bags should be placed into heavy duty plastic containers with tight fitting cover. Cabinets with doors can be provided to prevent rodent access to these food items. Contact EH&S for assistance in acquiring the storage containers.
- 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.
- Cleaning supplies for maintaining the kitchens can be requested from the Custodial Department. Ask your custodian for the supplies, or call (413) 542-2367.

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 individual(s) responsible.

9.41. 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 individual(s) responsible or residence hall having to pay for repairs.

9.42. Camp, Cooking, and other Outside Fires

Amherst College will permit outdoor camp fires, provided permission has been obtained in advance, through the Office of Environmental Health and Safety. The request must be made in advance by e-mail, at least 2 days before the event, in order to provide additional departments and offices on campus with the necessary information regarding the outdoor fire. Outdoor fires are for camp and cooking fires only. These protocols cannot be used for a bonfire, which requires a fire truck with firefighters and a permit from the Amherst Fire Department. Outdoor camp and cooking fires are for Outing Club functions, health and wellness activities, resident counselor events and other appropriate venues. Outdoor fires will not be permitted for events at which alcohol will be present for fire and safety reasons.

9.42.1. The specific site for the fire must be approved by EH&S. A metal fire pit is recommended over the conventional type camp fire. The use of charcoal, lighter fluid and propane gas is prohibited for camp fires. Propane can be used for cooking fires, provided the cylinder is approved by the cooking equipment manufacturer.

9.42.2. Outdoor camp and cooking fires can be canceled, even after approval if weather conditions would potentially increase risk of fire spread. Amherst College Police Department, Environmental Health & Safety and/or Student Activities can rescind the approval if weather conditions are not appropriate.

9.42.3. The fire must be attended at all times. The assigned person must have fire extinguisher training, provided or approved by either the Amherst College Police Department or Environmental Health & Safety.

9.42.4. Before starting any camp or cooking fire, a designated representative from the group or organization must notify the Amherst College Police Department at (413) 542-2291.

9.42.5. The event coordinator will be responsible for the health, safety and well-being of the attendees for the duration of the outdoor fire.

9.42.6. The fire should be allowed to consume the wood used for the event, so limit the amount of wood used. When the fire has burned itself out, the event coordinator or designated person (identified by the event coordinator) shall ensure that the fire has been completely extinguished or covered with sand. After the fire is completely extinguished, the event coordinator must notify the Amherst College Campus Police (413) 542-2291 that the fire is out.

9.42.7. Do not empty the coals or embers into any waste container (bag, box, dumpster or trash can), as it will increase the risk of a dumpster or trash can fire.

9.42.7.1. Coals and embers can be placed in the metal containers, which are located near fireplaces.

9.42.7.2. BBQ's, hibachis, or other fire holding containers must not be stored in or within 25 feet of the building.

9.42.8. Adherence to the above requirements is mandatory. Non-compliance could result in the group or College losing our ability to have any out- door type fires, as regulated by the Amherst Fire Department.

9.42.9. Amherst College Grilling Areas: In an effort to reduce the risk of fire, health and sanitation concerns with regard to the use of grills and the grilling areas on campus, Amherst College has developed a procedure for the use of the grill stations that coincides with other protocols that include, but are not limited to; Camp and Cooking Fire Procedures, Food Allergy Awareness Training, Food Preparation and Safety Training, and Food Preparation for Small Events.

9.42.9.1. In order to utilize the Grilling Area, faculty, staff and students must first obtain permission and the key to unlock the grills from the Office of Student Activities at (413) 542-8317. The request must be made at least 7 days in advance.

9.42.9.2. Persons wishing to cook on the grill for persons other than themselves shall first complete the following online EH&S training sessions;

a. Food Preparation and Safety Training

b. Food Allergy Awareness Training, and to review

c. [Food Preparation for Small Events](https://www.amherst.edu/mm/568733) (https://www.amherst.edu/mm/568733)

d. Person(s) preparing foods shall follow proper hygiene practices referenced in the above documents, which includes aggressive handwashing practices with soap and water

e. Person(s) involved in food preparation at the grill shall not be under the influence of alcohol

- f. Person(s) preparing food shall not have open wounds (abrasions, blisters, cuts or sores)
- g. Food items being prepared on the grill (after being fully cooked) can be placed (with clean utensils) into a clean aluminum pan/tray (holding tray) for persons to take from.
 - Selection of grilled items shall be removed from the holding tray using clean utensils
 - Items placed into holding tray shall covered/protected from dust, dirt, bugs and other potential causes of contamination
 - Items placed into the holding tray shall be rotated to insure that the first cooked is the first consumed.
 - Items that remain in the holding tray shall be discarded after not more than 1½ hours
- h. Board of Health requirements prohibit animals (with the exception of “service” dogs) from being in an area where food is being prepared and served. Animals must remain 20 feet from the grill area.

9.42.9.3. In accordance with the requirements of the Camp and Cooking Fire Procedures referenced above, it is possible, even after approval for use, that the use of the grill area may be rescinded for one of the following reasons, as directed by the Amherst Fire Department;

- conditions are too dry to permit an outdoor fire
- conditions may be too windy
- Contact the Amherst College Police Department (413) 542-2291 to confirm appropriate weather conditions.

9.42.9.4. It is the responsibility of the requester to make sure that the area has been properly maintained at the end of the event by performing the following;

- cleaning up the grilling surfaces and the areas around same
- discarding all unwanted food items, condiments and containers
- cleaning the grill racks with the brush/scrapper provided
- discarding of the used coals in the “hot coals” waste containers
- relocking the grills to concrete base

9.42.9.5. Failure to clean the area and grill may result in the requester’s having to cover the cost of cleaning the grill and surrounding areas and/or loss of future grill use. Any person(s) using the grilling area and equipment should report any damage or deficiencies to the Amherst College Service Center at (413) 542-2254.

Section 10. Traffic and Parking

The rules and regulations set forth in this policy have been developed to control traffic movement and parking for all persons utilizing the parking lots, roads and ways at Amherst College.

Anyone operating a motor vehicle on property owned, operated or controlled by Amherst College is subject to these regulations unless otherwise exempt by State and Federal laws, except as otherwise provided herein. The General Laws of the Commonwealth of Massachusetts and the Rules and Regulations of the Registrar of Motor Vehicles shall apply to the College campus and other lands of the College. It is the responsibility of all persons utilizing the College parking facilities to be aware of these regulations and obey such regulations.

The complete [Amherst College Parking Regulations](https://www.amherst.edu/mm/46625) are found here: <https://www.amherst.edu/mm/46625>.

Section 11: Student Leadership and Organizations

11.0. Introduction

The Office of Student Activities provides opportunities to engage students in the Amherst community. This includes facilitating access to inclusive co-curricular activities, leadership and advising support, as well as tools to support organizations.

Joining a Registered Student Organization (RSO) helps students to gain access to various benefits on campus (listed below). RSOs promote community building, leadership, social development and wellbeing. If an organization doesn't currently exist, students are supported in [registering new organizations](#) during the open registration period each semester.

Key roles: RSOs primarily interact with the following College resources.

Office of Student Affairs: The Office of Student Affairs is the parent division to the Office of Student Activities and oversees all aspects of student life including residential, academic, counseling, and engagement support.

Office of Student Activities: The Office of Student Activities provides resources and advising for all areas of student engagement including oversight of Registered Student Organization activities.

AAS: Association of Amherst Students, the student government of the Amherst College student body. The AAS oversees the distribution of the Student Activities Fee and policies about its use. AAS Senators, sit on various faculty/staff committees that help inform all areas of College policy.

Athletics: The Department of Physical Education and Athletics offers recreational, intramural, club, and intercollegiate activities. Club Sports is a subcategory of Registered Student Organizations that is overseen by the Director of Club Sports and supported in tandem with the Director of Student Activities.

Benefit: RSOs and Intramural groups obtain access to the resources below. Non-registered student groups may be denied certain campus resources

- Room reservations in Virtual EMS
- Student Activities funding [all students may access [AAS Discretionary Funding](https://www.amherst.edu/campuslife/aas/budgetary/discretionary-fund-request) (<https://www.amherst.edu/campuslife/aas/budgetary/discretionary-fund-request>) regardless of organizational affiliation]
- Transportation resources
- Online presence: RSO groups have access to the HUB's resources, which helps organizations to share updates about their organization and manage their group members, promote events
- Access to Get Involved Fair: this resource is used to help with recruiting and making your organization more visible on campus

11.1. Definitions

Registered Student Organization (RSO): A RSO is a group of actively enrolled students at Amherst College who share a common purpose or interest. A RSO has been approved to operate by the Office of Student Activities. Additional information about Registered Student Organization can be found on the [Club and Club Recognition](#) (<https://www.amherst.edu/mm/480001>) page of the [Amherst Association of Students](#) (<https://www.amherst.edu/mm/78026>) website.

Athletics Team: An athletic team includes any of the teams recognized by the Department of Physical Education and Athletics and any intramural sports organization.

Student Group: The umbrella term for athletic teams and registered student organizations.

Non-registered Student Group: A group of students who share a common purpose or interest but have not completed the student recognition process. These groups are ineligible for the resources and benefits of an RSO; however, they are free to associate and assemble in accordance with College policies related to the privileges and responsibilities of enrolled students.

11.2. Policies

The Association of Amherst Students (AAS): <https://www.amherst.edu/campuslife/aas>

Association of Amherst Student Budgetary Committee: <https://www.amherst.edu/campuslife/aas/budgetary>

Co-Sponsorship: Co-Sponsorship is a funding agreement to support an organization (RSO or non-RSO) or an individual's program on or off-campus. Co-sponsorship funds are offered through AAS, Student Activities, Campus Activities Board, and various departments on campus.

Durable Goods Policy: The Office of Student Activities provides limited storage areas in various locations on campus in support of group materials purchased either through the Association of Amherst Students (AAS) Budgetary Committee or the Office of Student Activities co-sponsorship funding. All items purchased through either source are the property of the AAS and Amherst College respectively. Student group leadership, designated through individual group rosters reflected through The Hub (thehub.amherst.edu) are the ultimate arbiters in how those items are stored and maintained across leadership transitions. In the case that a group is no longer in good standing with the Office of Student Activities for a year or more, all items purchased and/or stored in designated storage areas revert to oversight by the Office of Student Activities in conjunction with AAS approval for the repurposing and/or deaccessioning of purchased goods up to and including measures of recycling or disposal.

Once items have been identified by the Office of Student Activities as being in possession of a group no longer in good standing, the Office of Student Activities will reach out with reasonable efforts to communicate intentions of the aforementioned actions. Outreach will be made to currently enrolled students who are listed in the group's roster on their Hub page and given a week for a response. Students who are still enrolled and were previously on the roster for defunct groups have the right to suggest reuse or repurposing for a currently registered organization or independent activity registered through the Office of Student Activities and open to the whole student body. Final approval of those suggestions for repurposing is granted through the Office of Student Activities.

Facilities and Grounds Use Policy: This document sets forth principles for the use of Amherst College facilities and grounds. The intent of this policy is to promote responsible use of the college's facilities and grounds, enable the college to better know what events are occurring across campus, identify events that will necessitate logistical support (e.g., security planning, IT, etc.), and limit unauthorized uses by individuals who are not affiliated with the college. <https://www.amherst.edu/amherst-story/facts/amherst-college-policies/general-administration-policies/facilities-and-grounds-use-policy>

FCC Expectations for Student Media Broadcast: Students who broadcast from Amherst College are expected to utilize the training received from the Office of Student Activities and the WAMH Executive Board. Additionally, federal law prohibits obscene, indecent, and profane content from being broadcast on the radio or TV. Congress has given the FCC the responsibility for administratively enforcing these laws. The FCC may revoke a station license, impose a monetary forfeiture, or issue a warning if a station airs obscene, indecent, or profane material. The College may take disciplinary action against individual students—and/or against WAMH collectively as a student organization—for actions that the College determines are contrary to applicable FCC laws, regulations, and/or rules.

Fronting Policy: Student organizations are expected to fully participate in their programs and activities. As such, student organizations may not front for another cause and must follow the Amherst College [Fronting Policy](https://www.amherst.edu/amherst-story/facts/amherst-college-policies/student-activities-policies/fronting-policy-for-student-groups) (<https://www.amherst.edu/amherst-story/facts/amherst-college-policies/student-activities-policies/fronting-policy-for-student-groups>).

Funding: Funding for student activities is facilitated primarily through the AAS Budgetary Committee through Club Budget and Discretionary allocations but can be supplemented in some cases through the Office of Student Activities Co-Sponsorship once AAS resources have been exhausted.

General Funding Guidelines: <https://www.amherst.edu/campuslife/our-community/keefe/funding>

Hazing Policy: Hazing members of an organization is a serious violation of state law and College policy. Student Organizations must follow the Amherst College [hazing policy](https://www.amherst.edu/offices/student-affairs/community-standards/college-standards/hazing). <https://www.amherst.edu/offices/student-affairs/community-standards/college-standards/hazing>

Illicit Activities: Amherst College students are expected to share with the College when they observe activities that seek to steal, defraud, or undermine the College's educational mission. Reports can be sent to the College (anonymously or not) through the College's [reporting portal](http://amherst.edu/go/reporting) (<http://amherst.edu/go/reporting>).

Posting Policy: Campus advertising and posting is a privilege. Student Organizations must follow the Amherst College [posting policy](https://www.amherst.edu/offices/student-affairs/community-standards/section-17-iii.-select-college-policies/section-25.-posting-policy) (<https://www.amherst.edu/offices/student-affairs/community-standards/section-17-iii.-select-college-policies/section-25.-posting-policy>).

RSO Open Membership: The AAS and Office of Student Activities maintains an open membership policy by which any student expressing interest in the organization must, within reason, be able to take part in group activities to some extent. In the case of audition-based organizations, it is expected that any interested student must be able to audition.

For those organizations that have restricted skill-based membership that ultimately excludes participation in the group at some level (*e.g.* dance performance groups), they will not be permitted access to the AAS Club Budget or Discretionary fund. However, the Office of Student Activities will consider co-sponsorship requests on a case by-case basis for those groups included in this category.

RSO Names: RSOs are given the opportunity to change their name when they re-register their organization during the fall semester. If RSOs wish to change their organization's name, they can email studentactivities@amherst.edu to request a name change. The Office of Student Activities reserves the discretion to change RSO names at any time and for any reason.

Student Organization Storage: Amherst College has limited storage space and in general does not provide storage to student organizations. Petitions for storage space or for student organization office space can be sent to studentactivities@amherst.edu.

Travel Policy and Resources: Any RSO planning to travel domestically for group related activities (*e.g.* regional competitions, conferences) must register their plans for travel with the Office of Student Activities through their Hub page (<https://thehub.amherst.edu/>) and follow up with outreach to the Director of Student Activities for a meeting to discuss travel arrangements as well as viability for College sponsorship and potential AAS funding support. Please note that extracurricular travel does not supersede priority for academic responsibilities. The Office

of Student Activities cannot advocate for alternative arrangements for academic deadlines or other responsibilities for RSO/student group travel.

In order for the Office of Student Activities to provide travel arrangements and funding support not provided through the AAS, students taking part in travel must complete a field trip waiver through Five College Inc. and initiated by the the Director of Student Activities (<https://www.fivecolleges.edu/riskmgmt/field-trips-domestic-travel/field-trip-waivers>)

Five College Inc. Domestic Travel Information: <https://www.fivecolleges.edu/riskmgmt/field-trips-domestic-travel>

International Travel: International travel is not supported by AAS funding and requires special permission granted by the Director of Student Activities. A meeting with a member of the Five College Risk Management team as well as the Director of Student Activities is required before consideration of approval can be granted. Prior to approval, the following must be established with the Office of Student Activities and Five College Inc. Risk Management: health insurance, general liability, AIG Travel Guard, evacuation/repatriation. (https://www.fivecolleges.edu/riskmgmt/intltravel/student_intl).

Five College Inc. International Travel Information:

<https://www.fivecolleges.edu/riskmgmt/intltravel>

Visual Identity Toolkit: Student organizations have limited use of the College likeness and name when operating their student organizations, recruiting membership, marketing, and advertising events. Student organizations must follow the Amherst College [Visual Identity Toolkit](https://www.amherst.edu/news/communications/visual-identity-toolkit) (<https://www.amherst.edu/news/communications/visual-identity-toolkit>) when using the College's likeness, name, or reputation in their materials. The College reserves the discretion to limit use of its registered trademarks and/or service marks at any time and for any reason. This includes usages that, in the College's sole judgment, imply a connection to Amherst College.

11.3. Resources

Creating a Student Organization

<https://www.amherst.edu/campuslife/our-community/keefe/organizations>

Space Reservations: The Office of Student Activities utilizes the Virtual Event Management System (EMS) for all student event space reservations (Powerhouse, Ford Hall Event Space, Friedmann Room, O'Connor Commons). Event space reservations are prioritized for RSO use.

Virtual EMS:

<https://ems.amherst.edu/VirtualEms/Login.aspx>

For all other reservable spaces - Booking Space at Amherst:

https://www.amherst.edu/news/communications/conferences_special_events/events_planning/spacebooking

Funding Sources: The AAS Budgetary Committee is the primary funding source for RSO's. In many cases, the Office of Student Activities is able to supplement remaining funding needs depending upon the nature of the request. In unique circumstances where the request is outside of the scope of what AAS and the Office of Student Activities can viably support while maintaining equity of access for others, the Director of Student Activities may prescribe alternative sources of funding. Other sources should not be sought before exhausting the aforementioned primary sources.

Funding an Event:

<https://www.amherst.edu/campuslife/our-community/keefe/funding>

RSO Executive Board Resources:

[Template for RSO Constitution.docx](#)

HUB:

<https://thehub.amherst.edu/>

11.4. Student Profit-Making Enterprises

Amherst College does not permit students to operate businesses, profit-making enterprises, nor sell in College residences. The College does not permit the use of College resources for student-operated businesses or enterprises.

Chapter II. Conflict Resolution Processes

Introduction to Conflict Resolution Processes

Parties to conflicts 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 Office of Accessibility Services and the respective primary point of contact listed below. Any student who may require language translation or interpretation services should contact the respective primary point of contact listed below.

All communications and notices required by these procedures may be made electronically, in hard copy, or in person. Conflict Resolution Processes will primarily be communicated to students through their official College email address. Students are expected to check their official College email on a regular basis.

Multiple factors influence the appropriateness of which of the four adjudication processes 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 Amherst College students, Five College students enrolled in Amherst College courses who are alleged to have violated standards of intellectual responsibility, or Amherst College student groups and only for allegations that do not include sexual misconduct, (see Section 3, *Interim Title IX Policy*). The primary point of contact for information about this procedure is the Director of Community Standards, (413) 542-2337. <https://www.amherst.edu/mm/500781>

The Interim Title IX Policy

Amherst College students alleged to have engaged in sexual misconduct may be adjudicated by the Interim Title IX Grievance Process described in Section 13. 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 Provost and 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/mm/80807>

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 Chief Human Resources Officer 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

Section 12. The Community Standards Adjudication Process (CSAP)

The responsible administrator for this section is the Office of Community Standards. The Office of Student Affairs and the Office of the Dean of Faculty have approval authority.

Terms in the Community Standards Adjudication Process

Note: These terms in Section 12 apply only to Section 12 of this code. Some terms also exist in Section 13, but may be defined differently as required by policy and law. Additionally, terms defined in Section 30 of this code apply to this section.

Administrative Hearing: An adjudicative hearing between a Respondent and an Administrator from Student Affairs, often a member of the Office of Community Standards. Administrative Hearings are one of two types of hearings, the other being the Panel Hearing, that are offered in the Community Standards Adjudication Process.

Advisor: Any person from the Amherst College community (current faculty, staff, administrators, or students) can serve as an Advisor to the Respondent. Advisors may be present with the Respondent during an administrative or panel hearing and at related meetings outside a hearing. Advisors do not address the Administrator or the pane during a hearing, nor do they speak on behalf of the Respondent. Advisors may assist the Respondent 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 the Respondent and to give advice to the Respondent on procedural matters. In the Community Standards Adjudication Process an Advisor may not be a privately-retained attorney (this restriction does not exist in the Title IX Grievance Process).

Community Standards Review Board (CSRB): The CSRB is the College's adjudication board that hears allegations of academic integrity violations, discriminatory misconduct, interpersonal violence and harassment, and other community standards violations that do not relate to the Amherst College Title IX Policy. Composed of a pool of students, staff, and faculty, a panel of the CSRB will be convened when the nature, circumstances, and potential outcomes for a case require the augmented process that the panel hearing can offer.

Complaint: This is a written document that initiates the Community Standards Adjudication Process and contains sufficient information regarding the allegations of instances of violative behavior to permit the Respondent to understand the allegations being brought against them and to permit them to adequately respond.

Complainant: Amherst College serves as the initiating party, or Complainant, of the Community Standards Adjudication Process.

Designees: Persons who might serve in place of a role in the Community Standards Adjudication Process. All references to the Dean of Students and the Director of Community Standards in the Community Standards Adjudication Process include the dean, director, or their designee.

Honor Code: The Honor Code, represented in the Student Code of Conduct in Section 1, and authored by the College Council, represents Amherst College's core values language that authorizes the creation and stewardship of specific community standards and procedures that adjudicate or resolve alleged violations of those standards.

Institutional Action: A sanction issued to a student by the Community Standards Adjudication Process or the Title IX Adjudication Process that places the student on the status of probation, 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*).

Temporary/ Emergency Measures: These measures are actions taken by the College that are intended to restore or preserve equal access to the College's educational program or activities, including the work environment. These measures may be available regardless of where the alleged conduct took place and regardless of whether or not aggrieved individuals choose to pursue a resolution through the Community Standards Adjudication Process. These measures may include, but are not limited to:

No Communication and Restricted Proximity Order (NCRPO);
Academic, employment, or residence modification;
Emotional support; and
Interim separation / investigative leave.

Even when a College community member does not specifically request these measures, the College may choose to implement them, at its discretion, in the interest of the safety and/or wellness of any individual and/or the broader College community. In considering and implementing these measures, the College will value the wishes of involved individuals, overall fairness, and every community member's equitable access to educational and/or employment opportunities. These measures will be reviewed as needed and/or requested, by the Behavioral Intervention Team.

No-Communication and Restricted Proximity Order (NCRPO): The purpose of this College-issued order is to eliminate direct contact and reduce chance encounters between involved persons in a conflict. Simultaneously, this document is intended to provide sufficient structure and strategies for all involved persons to navigate the 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.

Official or Agent of the College: Any person from the Amherst College community (current faculty, staff, administrators, or students) serving in a role or function in support of a College program. For example, Community Advisors and Orientation leaders are agents of the College when engaging in activities directly related to those roles' responsibilities.

Panel Hearing: One of the two hearing types (the other being the administrative hearing) in the Community Standards Adjudication Process. Panel hearings are initiated when the nature, circumstances, and potential outcomes for a case require the augmented process that the panel hearing can offer. The panel is composed of the Chairperson, typically the Dean of Students, and members of the Community Standards Review Board.

Respondent: An Amherst College student about whose alleged behavior a complaint has been filed for adjudication in the Community Standards Adjudication Process. The Respondent is found responsible or not responsible for each allegation made against them in the adjudication.

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 (administrative hearing or panel hearing) 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 who matriculated at the College and is pursuing a degree from the College or any person who is not officially enrolled for a particular semester, but who has a continuing academic relationship with the College. Student status terminates when a person who has not yet received a conferred degree by Amherst College matriculates at another institution of higher education, on the date of a person's commencement, or upon the date of the expulsion of a person as the result of a College adjudication process. Additionally, the College may determine that an affiliated individual is a student, for the purposes of this Code, based on a review of that person's relationship with the College, as in the case of a Five College's student who is alleged to have engaged in academic dishonesty in an Amherst College course.

New Interim Inquiry Model for 2020-21 (CSAP)

The Community Standards Adjudication Process (CSAP) is implemented by the Office of Community Standards and addresses allegations of the *Student Code of Conduct* violations. When the College believes that adaptable resolutions or restorations are inappropriate or infeasible, the CSAP is available so the involved persons can benefit from the structure that the process provides.

Notes:

1. *For the 2020-21 academic year, cases that involve intellectual responsibility (academic integrity) allegations will be adjudicated by the previous CSAP version that existed in the 2019-20 year.*
2. *As some College processes and policies are being adjusted during the 2020-21 academic year, please be advised that some cross references to other sections of the code may become obsolete. For assistance with cross references, please contact the Office of Community Standards.*
3. *The College's [Non-Title IX Sexual Misconduct Adjudication Addendum](#) will apply to any matter that involves allegations of sexual misconduct in violation of the College's [Nondiscrimination and Harassment Policy](#).*

The CSAP resolves cases from the Review Teams in ODE&I and Student Affairs. The Office of Community Standards (OCS), at its discretion, will initiate an Inquiry to explore more serious or complicated matters, like, for instance, allegations of discrimination, harassment, interpersonal violence, and other behaviors that could result in the interruption of a student's tenure.

Inquiry Phase

When the College receives a report, the OCS will initiate an inquiry, as described in this section.

Purpose of Inquiry:

The purpose of an inquiry is to gather information from persons who were directly involved ('involved persons') with the alleged misconduct (or who have information directly related to the reported behavior) and to compile this information into an inquiry report.

Inquiry Leader:

The inquiry will be conducted by an Inquiry Leader who is either an Amherst College administrator or a contracted non-Amherst College person, as case volume and case nature requires. The College may assign one or more Inquiry Leaders as necessary. An Inquiry Leader may not also serve as the Administrator of an administrative hearing nor as the Chairperson of a panel hearing of a case for which they served as the Inquiry Leader.

Role of the Inquiry Leader:

The Inquiry Leader will coordinate the gathering of information from the persons or entities who may have relevant knowledge of the allegations using any of the methods listed below. The Inquiry Leader will take particular care to seek to understand the alleged experienced harm. The Inquiry Leader will share information and descriptions of experienced harm, relevant to the allegations in the report with the involved persons, when possible, for comment or rebuttal.

Relevant Information: Relevant information is information that may assist an administrative hearing or panel hearing in determining whether it is more likely than not that a reported student is responsible for the alleged *Code* violations in the report.

Information Sharing

College personnel will take reasonable steps to protect the privacy of persons and information. CSAP participants, including Respondents, witnesses, and involved persons, should understand that the disclosure of information learned during an inquiry or a hearing may compromise the integrity of the inquiry and could also be construed as retaliation. For these reasons, the College expects that persons will not disclose nor re-disclose information learned during the course of the inquiry or during a hearing. All persons are, of course, free to discuss their own personal experiences. The College will disclose limited information about outcomes to reporting parties about outcomes when appropriate.

Document/Records Review

In addition to reviewing any documents submitted by involved persons, the Inquiry Leader will determine whether to seek other records which may be relevant to the inquiry, including, but not limited to: obtainable police records; electronic or other records of communications between involved persons or witnesses; or records of other potentially relevant information. In seeking to obtain such evidence, the Inquiry Leader will comply with applicable laws and Amherst College policies.

Site Visits

The Inquiry Leader may visit sites or locations of potential relevance to the allegations in the report and record observations through writing or technological means.

Interviews of Involved Persons

Involved persons are expected to be interviewed (separately) by the Inquiry Leader. The Inquiry Leader may offer the involved persons the opportunity to participate in more than one interview. Interviews may be conducted in person or by technological assistance. Involved Persons who are Amherst College students will be expected to serve as witnesses in the CSAP. Amherst College alumni and non-Amherst College Community reporters may serve as witnesses if a CSAP is initiated. If an involved person fails to meet and cooperate with the Administrator or Inquiry Leader, the inquiry will proceed nonetheless.

Interviews of Witnesses

The Inquiry Leader will make a good faith effort to contact and interview any identified witnesses, including those persons no longer enrolled in or employed at the College and persons who may not have any affiliation with the College. Involved persons will have the opportunity to provide witness names to the Inquiry Leader. The Inquiry Leader may also interview any other person believed to have relevant information.

The Inquiry Leader will inform each witness or other persons interviewed that they are prohibited from retaliating against the Reporting Person, any involved persons, or other witnesses. The Inquiry Leader has discretion to decline to interview witnesses who are identified for the sole purpose of providing character

evidence, to provide expert opinions, or those whom the Inquiry Leader believes, after discussion with the requesting involved person, have no relevant information. Interviews may be conducted in person or by technological assistance.

Experts

The Inquiry Leader may contact any expert they determine is necessary to ascertain the facts related to the report or other information the Inquiry Leader determines is necessary to assist an administrative hearing or a panel hearing in determining whether it is more likely than not that the Reported Person is responsible for the allegations in the report.

Mental Health Records

The College will not require that students disclose medical and counseling records, which are privileged and confidential documents; such records cannot be shared with anyone other than the treating professional unless the patient agrees to disclosure. Therefore, students should be aware that there are legal implications to agreeing to share and produce privileged records in whole or in part. The production of partial records may lead to the waiver of privilege and the production of additional records. Students are encouraged to seek advice from a knowledgeable source about the possible consequences of releasing this type of information. A person who, after due consideration, believes that their own medical or counseling records would be helpful in determining whether misconduct occurred may voluntarily decide to present their own medical or counseling records to the Inquiry Leader. The Inquiry Leader will review the records and will use discretion to determine what information, if any, is relevant to the potential assessment of reported behaviors. Only the records deemed to be relevant to the assessment of reported behaviors will be included in the inquiry report. **Please note:** If a person decides to produce such records, the records must be produced in their entirety. The production of excerpts or selected documents is unacceptable and will not be considered. A person who does not wish to provide substantive medical records may decide to voluntarily provide a verification of therapeutic or medical services to the Inquiry Leader, confirming simply that such treatment occurred, but not providing any details regarding the treatment.

Inquiry Report

Contents

The Inquiry Leader will prepare an inquiry report summarizing and analyzing the relevant information and harms experienced as determined through the inquiry and referencing any supporting documentation or statements. The inquiry report may include: summaries of interviews with the involved persons, third-party witnesses, experts, and any other persons with relevant information; photographs, audio content, or video content of relevant sites or physical evidence; and electronic records and forensic evidence. The Inquiry Leader may provide a summary of their impressions including context for the information. The Inquiry Leader will not make a determination as to whether or not an alleged violation occurred; that decision is reserved for a panel hearing or an administrative hearing if a complaint is filed.

Review of Inquiry Report

Upon submission by the Inquiry Leader of the inquiry report to the Office of Community Standards, the Director of the Office of Community Standards or another Student Affairs administrator will review the Inquiry Report to determine which of the following courses of action are appropriate:

- No further action
- Adjudication via an administrative hearing
- Adjudication via a panel hearing
- Referral to an Adaptable Resolution process
- Referral to ODE&I

Examples of factors that influence the Office of Community Standards' decision to utilize a panel hearing or administrative hearing.

Factors (illustrative, not exhaustive)	Panel Hearing	Administrative Hearing
Non-Discrimination and Harassment Policy Allegation	Always	Never
Possibility of Suspension or Expulsion	Always	Never
Community Impact	More Likely	Less Likely
Interpersonal Violence Allegation	Always	Never
Intentional Deceit or Malicious Behavior Allegation (fraud, network abuse, vandalism, arson, fire/life safety equipment tampering)	More Likely	Less Likely
Minor Behavioral Allegations (excluding behaviors in the rows above)	Less Likely	More Likely

Initiation of an Adjudication

If an adjudication is warranted, the Office of Community Standards will initiate a CSAP administrative hearing or panel hearing on behalf of the College against students or student groups. The College retains full discretion to initiate or to not initiate an adjudication and, in all matters, the College is always the Complainant. In determining whether an adjudication is warranted, multiple factors will be considered by the College. These factors may include, but are not limited to: the wishes of those who have alleged experiencing harm, the nature of the alleged violative behavior, the seriousness of the alleged violative behavior, the presence of similar substantiated behaviors in the alleged student’s College conduct records, the safety of the community, and other factors unique to a case that serve the College’s educational purpose.

Timing Considerations

Reporting

Potential conduct violations should be reported as soon as possible. Only admitted students who have an ongoing academic relationship with the College can be named as Respondents for adjudication.

Adjudication Engagement and Effects on Respondents

Students who are named as Respondents and who are not active in a semester because of a leave, suspension, or summer or winter recess will have an opportunity to engage the CSAP before returning to an active semester (provided that adjudicators are available) or to delay their engagement with the CSAP until they are again active in a semester. It should be noted that any resulting sanction that interrupts the Respondent’s active semester will activate the [College’s prorated refund schedule](#) for the Respondent’s student account, and will not entitle the Respondent to College-funded transitional support (housing, transportation, etcetera).

If the College adjudicates a Respondent who is a second semester senior, the College will, in most instances, withhold that student’s Amherst College diploma or the release of official transcripts pending the conclusion and outcome of the CSAP.

Contents of a Complaint

As described above, when it determines to do so, the College will bring forward a complaint against a student or group of students for alleged violations of the *Student Code of Conduct*. A complaint is a written document that contains sufficient information regarding the allegations of instances of violative behavior to permit the Respondent to understand the allegations being brought against them and to permit them to adequately respond. The complaint will indicate the name of the accused student(s) (Respondent(s)); the date(s) or approximate date(s) on which the alleged violative behavior occurred; a description of the alleged violative behavior; and the location at which the alleged behavior occurred, if known. Further, the complaint will indicate which section(s) of the *Student Code of Conduct* the College alleges the Respondent(s) violated. It is not required that the complaint reflect every detail included in the Inquiry Report.

Jurisdiction: The Scope of Application of the *Student Code of Conduct* beyond the Boundaries of College Property

Amherst students have a responsibility to adhere to local, state, and federal laws while on campus or off campus. The College cannot protect Amherst students, nor other persons, from the consequences of violations of local, state, or federal law.

Amherst students are responsible for their actions and behavior, whether the behavior in question occurs on campus or in another location. In addition to the expectations set by the *Student Code of Conduct*, Amherst students are also subject to the regulations and procedures set forth in domestic or international study away programs.

Amherst College students, when studying or visiting on the campus of one of the Five Colleges or attending a College-related event for one of the Five Colleges, will be subject to Amherst College policies as well as the policies of the visited institution (Title IX policy may produce other considerations). In cases of academic integrity allegations, the institution that hosts the course will implement their own adjudication, and Amherst may separately adjudicate its students separate from the host institution's process.

The College reserves the right to initiate its own adjudication or restorative process, at its own pace, and 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 there is corresponding legal process and whether or not the Respondent participates in any College adjudication. 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 adjudication.

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

Student Group Adjudication

A student group and its officers and membership may be held collectively and individually responsible when alleged violations of the *Student Code of Conduct* by the organization or its member(s):

- Take place at organization-sponsored or co-sponsored events, whether sponsorship is formal or tacit; or
- Have received the consent or encouragement of the organization or of the organization's leaders or officers; or
- Were known or reasonably should have been known by the membership or its officers.
- Hearings for student groups follow the same CSAP procedures. In any such action, individual determinations as to responsibility will be made, sanctions may be assigned collectively or individually, and those sanctions will be proportionate to the involvement of each individual and the organization.

Withdrawal of a Complaint

Prior to the date of an administrative or panel hearing, the College may withdraw the complaint. Withdrawal of the complaint will end the CSAP. The College will inform the Respondent, involved persons, and witnesses (as appropriate) in a timely manner of its decisions.

Responding to a Complaint

Notification to Respondent

The person or persons against whom the complaint is filed are called Respondents. Respondents will be notified in a timely manner that a complaint alleging violations of the *Student Code of Conduct* has been filed against them.

Note: The following use of the term 'Administrator' includes a College-employed member of the Office of Community Standards (OCS) or Student Affairs who did not also serve as the Inquiry Leader in the inquiry for the case.

Information for Respondent

In addition to giving notice of a complaint to the Respondent, the College will also request a meeting with the Respondent to:

- provide the Respondent with a copy of the complaint
- discuss the Respondent's opportunity to submit a written response to the complaint within 72 hours
- discuss the nature of the complaint
- explain the CSAP
- explain the Respondent's right to select an Advisor of their choice, and at their own expense, if applicable
- explain the rights and responsibilities of the College and the Respondent
- explain the prohibition against retaliation
- instruct the Respondent not to destroy any potentially relevant documentation in any format
- refer the Respondent to the location of relevant policies
- provide the inquiry report if one exists

If a Respondent refuses to meet or otherwise cannot meet with the Administrator within a reasonable period of time from the filing of the complaint, as determined by the Administrator, then the Administrator will provide the Respondent, via electronic mail to the Respondent's official Amherst College electronic mail address, a copy of the complaint addition to the information in the list above in *Information for Respondent*. The Respondent has the opportunity, though is not required, to submit a written response, which must be submitted no later than 72 hours from the date and time the Respondent was provided the complaint. If a Respondent fails to meet and cooperate with the Administrator or Inquiry Leader, the adjudication of the complaint will proceed nonetheless.

Acceptance of Responsibility

At any point during the CSAP, the Respondent may choose to accept responsibility for the behaviors alleged in the complaint. If the Respondent accepts responsibility for the behaviors alleged in the complaint, the College will convene an administrative hearing, a hearing panel of the Community Standards Review Board to determine any sanctions, or, if the Office of Community Standards approves, an Adaptable Conflict Resolution pathway.

The chart below provides information regarding options for the Respondent in the 72-hours following receipt of the Complaint.

Respondent’s Choice	Effect of Choice on CSAP
Deny responsibility for all alleged violations of the <i>Student Code of Conduct</i> .	The CSAP proceeds to an administrative hearing or panel hearing to evaluate the Respondent’s responsibility. Any determination of responsibility for one or more violations of the <i>Student Code of Conduct</i> will result in the assignment of sanctions (as may be appropriate) by the panel.
Deny responsibility for some, but not all, of the alleged violations of the <i>Student Code of Conduct</i> .	The CSAP will proceed to an administrative hearing or a panel hearing to evaluate the Respondent’s responsibility for the denials. The administrative hearing or the panel hearing will assign sanctions (as may be appropriate) for the admitted responsibility as well as to any new responsibility determinations.
Accept responsibility for all alleged violations of the <i>Student Code of Conduct</i> .	The CSAP will proceed to an administrative hearing or a panel hearing for the assignment of sanctions (as may be appropriate) for the admitted responsibility. Or, if the Office of Community Standards approves, an Adaptable Conflict Resolution pathway.
Submit a written response, without explicitly accepting or explicitly denying responsibility for one or more alleged violations of the <i>Student Code of Conduct</i> .	The CSAP proceeds to an administrative hearing or a panel hearing to evaluate the Respondent’s responsibility. Any determination of responsibility for one or more violations of the <i>Student Code of Conduct</i> will result in the assignment of sanctions (as may be appropriate) by the Administrator or the panel.
Reject opportunity to submit a written response.	The CSAP proceeds to an administrative hearing or a panel hearing to evaluate the Respondent’s responsibility. Any determination of responsibility for one or more violations of the <i>Student Code of Conduct</i> will result in the assignment of sanctions (as may be appropriate) by the Administrator or the panel.

The Community Standards Review Board

The Community Standards Review Board (CSRB) is the College's adjudication board that hears allegations of academic integrity violations, discriminatory misconduct, interpersonal violence and harassment, and other community standards violations that do not relate to the Amherst College *Interim* Title IX Policy. The CSRB is composed of faculty-appointees by the Committee of Six, student-appointees by the Association of Amherst Students, student-selectees by the Office of Student Affairs, and self-nominated and nominated non-faculty staff members. Non-faculty staff members will be considered for empanelment for all cases not involving academic integrity.

Composition of the CSRB for a Hearing

When a panel is convened, the Dean of Students or designee serves as its nonvoting Chairperson. The Chairperson is joined by 5 voting panel members, three of whom are students, and two of whom are faculty or staff, depending on whether the case relates to academic integrity. Section 12.12.2, *Ad Hoc Panels*, authorizes the Dean of Students or designee to convene ad hoc panels as necessary.

Faculty

The faculty members of the CSRB will be elected during a meeting of the faculty after nomination by the Committee of Six or after nomination from the floor. They will typically serve three-year terms, and their terms, when possible, will be staggered so as to maintain continuity from year to year.

Students

Student members of the CSRB 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.

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:

The election will be conducted according to the procedures outlined in the AAS Code of Elections. The four candidates who receive the highest number of votes will be elected. If this procedure cannot be followed because of an insufficient number of candidates, then the College Council will appoint a student to any position unfilled by election.

If one of the elected students resigns, the AAS may appoint an alternate. Students generally then serve a two-year term.

Office of Student Affairs Selection

A campus-wide application process will be held during each fall semester, or when practicable. 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. Generally, the term of membership of students selected in this process will be two years.

Staff

Non-faculty staff members will be self-nominated or nominated to the Dean of Students or designee on an ongoing basis. The Dean of Students, in consultation with the Director of Community Standards, will appoint staff members to the CSRB on a rolling basis. Staff generally serve a two-year term.

Ad Hoc Panels

Section 12.12 describes procedures for assembling panels derived from the membership pool of the CSRB. The CSRB is typically active only when classes are in session. Hearings are not regularly scheduled during final examinations or recesses. Occasionally, an Administrator or a Respondent may desire an expedited resolution during a period when the CSRB is typically inactive. In these circumstances and at their discretion, the Chairperson/Dean of Students may provide voluntary, alternative mechanisms for conflict resolution, including the assemblage of ad-hoc panels, provided the Respondent agrees to the proposed alternative.

Ad hoc panels may be composed of Amherst College students, staff, or faculty, whether they are derived from the CSRB or not. Panel compositions as described in Section 12.12 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.

Preparation for a Panel Hearing before the Community Standards Review Board (CSRB) or an Administrative Hearing

The preparation for a hearing is an important period of time during which a Respondent should consider the following opportunities and expectations of the College and of the Respondent alike.

Potential Conflicts of Interest

A Respondent will be offered the opportunity to challenge the empanelment of a member of the CSRB on the basis that they are unable to be impartial because of an actual or perceived interest in the outcome of the case. Prior acquaintance does not, in and of itself, constitute such actual or perceived conflict of interest.

Once it is determined that a panel hearing will be initiated, the Administrator will provide potential CSRB panelists' names and titles/roles to the Respondent. Any challenge must be submitted in writing within 48 hours of receiving the list of potential CSRB panel members. The Chairperson of the panel, a role typically fulfilled by 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 panel hearing. The Respondent will have the opportunity to raise a new challenge for any replacement for 48 hours after learning the name of a replacement.

Notice of Hearing - Date, Time, Location, and Inquiry Report (if applicable)

All panel hearings will be scheduled as soon as is practicable. At least seven days prior to the scheduled hearing date, the College will provide the Respondent with a written *Notice of Hearing*, which will include the date, time, and location of the hearing. The *Notice of Hearing* will also include the names of the CSRB panel members and Chairperson, along with their College roles/titles. Finally, the Inquiry Report, if applicable, will be distributed to the Respondent as part of the *Notice of Hearing*.

Panel Hearings are Audio-Recorded

The College will audio-record hearings before the Community Standards Review Board for the purposes of: (1) reference by the panel or Chair during deliberations; (2) review by the Provost and Dean of the Faculty or the appeals panel during an appeal; (3) the official record of the hearing; and (4) availability to the Respondent should they wish to file an appeal. The Community Standards Review Board's deliberations are not audio-recorded. Hearing participants may not separately record the hearing.

Participation In-Person or Via Technological Assistance

Note: Pandemic restrictions on access to campus or its facilities are subject to change and may limit the opportunities in this subsection.

Persons may participate in hearings via in-person participation or via technology-assisted participation.

- If the Respondent resides on the Amherst College campus, or is enrolled but living locally off-campus, the College will make reasonable efforts to provide for the Respondent to participate in-person if that is the preference of the Respondent.
- If the Respondent is enrolled, but is not local to the campus at the time of the scheduled hearing, the College will expect the Respondent to participate by means of technological assistance. The Respondent may travel to campus to participate in-person, at their own expense. The College will not facilitate in-person participation. A Respondent in this circumstance may request a one-time rescheduled hearing if their anticipated return to campus is within 30 days of the originally-scheduled hearing date. Such a delay may result in the withholding of a Respondent's diploma or official transcript, a delay to the completion of a Respondent's course registration, or a delay of the finalization of grading and associated transcript updates.
- Advisors and witnesses may participate in person or by means of technological assistance. The College does not require that Advisors or witnesses participate in-person. The College will not make special arrangements to facilitate witness or advisor in-person participation. The Respondent must provide names and contact information for any witnesses whom they wish to involve in an administrative or panel hearing before the 72-hour response period closes.

Rescheduling a Hearing

If the Respondent or the Administrator finds cause to request the rescheduling of a hearing, the request must be made in writing to the Office of Community Standards. The Office of Community Standards retains full discretion to reschedule or to not reschedule the hearing. This decision is final.

The Standard Used to Determine Responsibility

All CSAP hearing outcome determinations will be made on the basis of the preponderance of evidence standard, that is, whether the alleged violation was more likely than not to have occurred.

The Decision to Refrain from Answering Questions or Offering Statements at a Hearing

The Respondent may decline to answer any question or to make any statement (opening or closing remarks) during the hearing. The outcome of the hearing will be based solely upon the information available (written or verbal) during the hearing of the Community Standards Review Board.

The Presentation of Information Not Included in an Inquiry Report at a Panel Hearing

The College or the Respondent may learn new relevant information about a matter between the completion of an inquiry report and the date of the panel hearing. Should the Administrator or the Respondent wish to submit new relevant information at the panel hearing, they must first request approval from the Chairperson. The CSRB panel will not consider information unless the Respondent has been advised of its content and source, and has been given the opportunity to respond during the panel hearing.

Witnesses

A witness is a person who has information that is directly related (as determined by the Office of Community Standards) to the facts of the conflict being adjudicated.

Witness Participation at a Hearing

Witnesses may participate at a hearing (in person or by technological assistance). A Respondent who requests the participation of a witness must provide the name and contact information of the witness to the Administrator before the conclusion of the Respondent's written response period (72 hours). The Respondent's decision to forfeit the opportunity to submit a written response will have no influence on the deadline by which to identify witnesses.

The College may identify witnesses for participation in the hearing.

All persons called to give testimony during a hearing are expected to provide complete and truthful testimony. A student called as a witness who fails to testify or who testifies untruthfully may be found responsible for violating the *Student Code of Conduct* (see Section 2.7).

Evidence and Witnesses

Involved parties must submit all evidence and any information about witnesses within 48 hours of the notice from the Office of Community Standards that a matter is going to be resolved by the Community Standards Review Board.

Bias and Scope of Evaluated Information

The Respondent will be adjudicated with fairness and solely upon the information available (written or verbal) during the hearing. The Respondent will have the opportunity to respond at the hearing to all written or verbal information conveyed during the hearing procedure.

CSRB Hearing panelists and administrative hearing officers will be trained on issues including: the CSAP procedures, the standard of evaluation, fairness, bias and implicit bias, and the importance of making decisions based only upon the information made available to them during the hearing.

Receiving Advice and Support from an Advisor and Others

Any person from the Amherst College community (current faculty, staff, administrators, or students) can serve as an Advisor to the Respondent. Advisors may be present during the hearing and at related meetings outside the hearing. Advisors may not address the Community Standards Review Board and may not speak on behalf of the Respondent. Advisors may assist their advisee in preparing for the case and may provide support throughout the entirety of the process. Advisors, regardless of their training or professional skills, may not serve as advocates but the role of the advisor is to assist and support their advisee. In the Community Standards Adjudication Process, an Advisor may not be a privately-retained attorney.

The Respondent may consult with persons who are not their Advisor. Those consulted may be members of the Amherst College community or not. Though only one Advisor may support a Respondent at a hearing, a Respondent is free to build a support network around them, composed of various persons. For example, a Respondent may consult with attorneys at their own expense, even though attorneys cannot participate in the panel hearing. Attorneys may be present on campus, outside the hearing room, during a hearing.

If the Respondent is participating by means of technological assistance, their Advisor may participate (in person in the hearing room or also by technology). If a Respondent wishes to consult with their attorney during a hearing, they may do so by making a request to the Chairperson or administrative hearing officer. If the request is granted, such consultation must occur outside the hearing room or, if the Respondent is participating by means of technological assistance, in a manner that is private from the Respondent's connection to the hearing room.

A member of the College's Office of General Counsel may be present at the panel hearing to provide legal counsel to the CSRB, at the discretion of the Chairperson.

Appeal of Hearing Outcome

The Respondent will have the opportunity to appeal certain outcomes of a panel hearing, as fully described later in this section.

Records

A copy of the hearing panel's outcome will be kept in a confidential file in the Office of Student Affairs. Generally, only suspension 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, subpoena, or any other applicable law, a student's conduct record is confidential and no information from this record will be released without the consent of the person about whom the record was created.

CSRB Hearing Procedure (Responsibility Determination)

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

The Chairperson of the CSRB panel will preside in all hearings. The Chairperson will maintain decorum during hearings and will be the final arbiter in questions of policy, standards, and procedure. The Chairperson makes decisions about the admission or exclusion of information and witness testimony. The CSRB, under the guidance of the Chairperson, 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 College will provide the Respondent with access to the recording upon request for the purpose of filing an appeal. The audio recording will remain the property of the College and will be retained in accordance of Section 19. 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 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 agree to the *Confidentiality Statement*
 - d. Opportunity for questioning about procedures

Note: Witnesses will leave the hearing room at this juncture.
2. College's Presentation, offered by Chairperson
3. Respondent's Presentation
 - a. Opening statement by Respondent (optional)
 - b. CSRB panel members question Respondent
4. Witnesses appear individually
 - a. Witness offers summary of their involvement (optional)
 - b. CSRB panel members question witness
 - c. Respondent questions witness
5. Chairperson offers a final opportunity for any additional questions to the Respondent or any witnesses (as provided for in the steps above) and reminds participants that no questions will be permitted during or after the closing statements. No new facts nor evidence may be brought forward by the parties in their closing statements.
6. Closing statement of Respondent
7. Closing remarks by Chairperson

- a. The CSRB panel will deliberate privately to determine responsibility.
- b. If the Respondent is found not responsible for all alleged violations, the CSRB panel will end the CSAP, and the hearing is adjourned. The Respondent will receive written notification of this outcome.
- c. If the Respondent is found responsible for one or more alleged violations the CSRB panel will initiate deliberations about sanctions, either immediately or at a later date. The Respondent will receive written notification of this outcome, including the rationale for the finding and sanctions.

Appealing Decisions Rendered by an Administrative Hearing or a Panel Hearing

The Respondent may appeal the outcome of an administrative hearing or a panel hearing. All academic integrity appeals and any appeal of a hearing panel are directed to the Provost and Dean of the Faculty. Appeals of non-academic integrity-related decisions made by an administrative hearing are directed to the Chief Student Affairs Officer or designee.

Grounds for Appeal

An appeal may come forward based on the following grounds:

- 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, or conflict of interest, by an Administrator or the Chairperson of the CSRB, or a member of the hearing panel (i.e., the administrative adjudicator, 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);
- New information (i.e., information has been discovered that: 1) is relevant; 2) is substantive; 3) was not previously known by the appellant; and 4) was not previously available to the appellant);
- 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).

Appeal Deadline

The Respondent must submit a written statement of appeal to the Provost and Dean of the Faculty or Chief Student Affairs Officer as appropriate, which must state the grounds and reason for the appeal, within seven calendar days from the date of the written finding.

Response to Appeal

Upon receipt of the statement of appeal, the Provost and Dean of the Faculty or Chief Student Affairs Officer will review the official records of the Administrator or the CSRB panel's proceedings and other materials bearing on the case as necessary. The Provost and Dean of the Faculty or Chief Student Affairs Officer may interview the involved parties, witnesses, or anyone else involved in the hearing process, including the CSRB panel members.

For an appeal of an academic integrity decision by an Administrator, the Provost and 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 voting Chairperson, and one student. For an appeal of a Panel Hearing decision, the Provost and 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 CSRB. In the case of any such referral, the panel of the CSRB will report its findings and recommendations to the Provost and Dean of the Faculty, who will resolve the appeal.

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

Adaptable Conflict Resolution (ACR)

Adaptable resolution is a voluntary, remedies-based, structured interaction between or among affected parties that balances support and accountability without traditional disciplinary action. Adaptable conflict resolution is generally designed to allow a respondent to acknowledge harm and accept responsibility for repairing harm, to the extent possible, experienced by another member of the community. Adaptable conflict resolution is designed to eliminate the prohibited conduct, prevent its recurrence, and remedy its effects in a manner that meets the needs of the involved parties while maintaining the safety of the campus community.

ACR processes such as conflict coaching, mediation, facilitated dialogue, restorative circles, and accountability circles allow individuals involved in a conflict to have significant influence and control over the resolution process and outcomes.

If all persons personally and directly affected by a conflict agree to attempt resolution through one of these processes, and the Office of Community Standards believes that the process is an appropriate form of resolution, then the Office of Community Standards will make arrangements for the chosen ACR pathway. The nature of some conflicts, especially those involving violence, may render ACR inappropriate.

Participation in an ACR process is voluntary and may or may not result in an agreement or resolution. When a mutually satisfactory resolution is reached by the parties and approved by the Office of Community Standards or the office that performed the ACR, the case is resolved. Resolutions reached through ACR may not be appealed.

If resolution is not achieved through an attempt at ACR and the matter involves a pending violation of the *Student Code of Conduct*, the respondent has the choice of accepting responsibility and entering into an agreement, or proceeding to a hearing.

Adaptable Conflict Resolution, Amnesty, and Responsible Action

The health and wellbeing of our community is paramount to a vibrant collegiate experience. If a member of the community is experiencing a medical emergency or crisis, we expect others to call trained professionals for help, to stay with the person who needs help, and to cooperate with the responding officials. The College understands the hesitation to call for help if there is fear that the callers or the person who needs assistance might face consequences due to the circumstances of the emergency (e.g., underage drinking that resulted in someone falling and hitting their head, the overconsumption of cannabis edibles that results in a panic attack, or someone twisting their ankle while attending an event disallowed during times of increased social distancing). However, barring exceptional circumstances as determined by the Office of Community Standards or the Title IX Office (e.g., assaults, hazing, use of weapons, harassment, etc.), the College will apply amnesty to those who needed assistance and those who asked for that assistance.

Amnesty allows those involved in potential violations of the *Student Code of Conduct* to engage in an adaptable conflict resolution process without that potential violation impacting their student disciplinary record. The goal of an amnesty-based resolution is to ensure wellness, understand the circumstances that caused the concern, and find the appropriate educational opportunity to improve future success.

Amherst College also has a specific [Alcohol and Other Drugs Medical Amnesty Statement](#).

Acceptance of Responsibility and Agreements

If the respondent is in general agreement with the allegations in the complaint; is in general agreement with the complainant and/or community (as represented by the Office of Community Standards) about how to resolve the conflict and restore the community; and the Office of Community Standards agrees that the allegations are appropriate for an adaptable resolution, the respondent has the option of entering into an agreement. In resolution by agreement the respondent accepts responsibility for the alleged violation(s) of the *Student Code of Conduct* and agrees to fulfill sanctions or outcomes that are developed with the input of the respondent, the harmed parties, and the Office of Community Standards. The respondent has the right to discuss potential sanctions or outcomes before entering into an agreement. The respondent also has the option of entering into an agreement by accepting responsibility for the alleged violation(s) of the *Student Code of Conduct* and requesting a hearing on the sanctions under the procedures outlined in the *Preparation for a Hearing*. All agreements will include information related to the allegations, the type of adaptable conflict resolution used, the parties involved in the resolution, the sanctions or outcomes agreed upon, and the timeline for completing them.

Considerations for Adaptable Resolutions

The Office of Community Standards generally will agree to adaptable resolutions where the Office believes the conduct is appropriate for an adaptable resolution; parties enter into the resolution without pressure, compulsion, or coercion; and when the following is recognized:

- The goal of the adaptable conflict resolution is to address prohibited conduct, identify harm caused to individuals and the community, and develop a resolution agreement that addresses that harm and prevents its recurrence.
- Participation is voluntary and must be acknowledged in writing. Participation can be ended at any time by any party. If a party withdraws from an adaptable conflict resolution, the process reverts to a hearing.
- The information gathered during an adaptable resolution cannot be used in any other College process, including a hearing, if the adaptable resolution ends.
- Adaptable conflict resolutions are most effective when the involved parties are able to have structured interactions and discuss their perspectives directly.
- The College will not pressure or compel any party to engage in mediation, to directly meet or confront another party, or to participate in any particular form of adaptable conflict resolution.
- Adaptable conflict resolutions should have tailored sanctions or outcomes to meet the unique needs and interests of the involved parties.
- Adaptable conflict resolution agreements have sanctions or outcomes designed to repair harm and prevent the recurrence of harmful behavior.
- Parties involved in adaptable conflict resolutions must be protected from secondary victimization and other potential harms, including pressure to proceed through adaptable conflict resolutions instead of a hearing.

Adaptable Conflict Resolution Coordinator

The adaptable resolution options will be enabled by a trained coordinator. The adaptable resolution coordinator must be impartial and free from bias or conflict of interest. If the adaptable resolution coordinator has concerns that they cannot facilitate a fair or unbiased process, the adaptable conflict resolution coordinator must report those concerns to the Office of Community Standards and a different adaptable resolution coordinator will be assigned. Similarly, any participant who has concerns that the assigned adaptable resolution coordinator cannot enable a fair and unbiased process must report those concerns to the Office of Community Standards. The office will assess the circumstances and determine whether a different adaptable resolution coordinator should be assigned to the adaptable resolution process.

Adaptable Conflict Resolution Options

Adaptable resolutions may include one or more of the following approaches:

- **Conflict Coaching:** A one-to-one skill building session designed to support one's ability to engage in, manage, and resolve conflict. The focus is on supporting a student experiencing conflict in developing their own strategies of navigating that conflict prior to any intervention by the College into the conflict.
- **Facilitated Dialogue:** A structured and facilitated conversation between two or more individuals. The focus is often on providing a space for voices to be heard and perspectives to be shared. Depending on stated interests, the participants may sometimes work towards the development of a shared agreement, although working towards an agreement is not always the intended outcome.
- **Restorative Circle or Conference Process:** A facilitated interaction where the individuals who have experienced harm can come together with an individual(s) who assumes responsibility for repairing the harm (to the extent possible). A circle or conference may include multiple members of the community to explore individual and community impact, harm, obligations, and opportunity for repairing them. Parties must agree on all those who will be present.
- **Shuttle Negotiation:** An indirect, facilitated conversation individually with the parties, and/or other participants to discuss experience and perspective and explore interests while working towards meeting expressed needs. This negotiated process does not require direct interaction between the parties or the parties and other participants, but rather, independently, with a coordinator.
- **Accountability Circles:** A facilitated interaction between a respondent and College staff designed to provide accountability, structured support, and the development of a learning plan. The focus of an accountability circle is to balance support and accountability for an individual who has acknowledged their obligation to repair harm and willingness to engage in an educational process.

Some sanctions or outcomes that could result from ACR agreements include::

- Alcohol or drug education classes
- Regular meetings with an appropriate College office or resource
- Permanent extension of a no communication and restricted proximity order
- Restriction from participation in specific clubs and/or organizations
- Restriction from participation in particular events
- Completion of an educational plan with regular meetings with the adaptable resolution coordinator or other appropriate staff or faculty member
- Other collaboratively developed, educational opportunities

Adaptable Resolution Agreement Finalization

Any agreements reached in an adaptable resolution must be documented by the adaptable resolution coordinator. For matters involving alleged violations of the *Student Code of Conduct*, the Office of Community Standards must approve the resolution before any agreement will be considered valid. For other adaptable resolutions, the office that performed the resolution must approve the resolution before any agreement will be considered valid.

If the Office of Community Standards, or another office that conducts an ACR, approves an agreement after the parties have voluntarily reached consensus as to its terms, the parties will be required to comply with the agreement.

Failure to comply with the agreement may result in a violation of the *Student Code of Conduct*. If no agreement is reached, the matter may be referred to the Office of Community Standards for further action. Once an agreement is approved, the parties are bound by its terms and cannot request a hearing or additional adaptable resolutions.

To fairly assess pattern or systemic behavior, the Office of Community Standards will maintain records of all reports and conduct referred for adaptable resolution.

Section 13. Interim Title IX Grievance Process

Scope and Purpose

This *Interim* Title IX Grievance Process governs Formal Complaints of Title IX Prohibited Conduct that are filed against Amherst College students, faculty, and staff. The purpose of this *interim* process is to provide the community with a process to investigate and resolve all formal complaints of Title IX Prohibited Conduct that is consistent with applicable legal requirements.

As described in more detail below, Formal Complaints of Title IX Prohibited Conduct are resolved by different Decision Makers, depending on whether the Respondent is a student, staff, or faculty member. For ease of comprehension, when possible this policy refers to “Decision Makers.” The term Decision Makers in this policy refers collectively and interchangeably to the Title IX Student Hearing Board, the Title IX Staff Decision Maker, and the Title IX Faculty Hearing Board, as applicable.

Preliminary Matters

Effect of Pending Complaint on Student Respondents

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 Title IX Grievance Process. 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 Title IX Grievance Process. If the Respondent withdraws from the College before the final resolution of a Formal Complaint, the Respondent’s transcript will be notated to reflect pending disciplinary action, subject to modification to reflect the outcome of the disciplinary action.

Amnesty

A student who files a Formal Complaint or serves as a third-party witness during the Title IX Grievance Process 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 Title IX Prohibited Conduct, provided that such violations did not and do not place the health or safety of any other person at risk. The College may initiate an educational discussion or pursue other educational remedies regarding the use of alcohol or other drugs.

Disability Accommodations

Parties to Title IX matters may request reasonable accommodations for disabilities under the applicable procedures of the College. To initiate the accommodations process, students should contact the Accessibility Services office; staff and faculty should contact the Office of Human Resources.

Advisors

Parties to a Title IX Prohibited Conduct complaint have the right to be assisted by an Advisor of their choice during the Title IX Grievance Process. An Advisor serves to guide the party through the process and may accompany the party to any meeting with a College employee, any meeting with an investigator, and to the hearing. When choosing an Advisor, parties should be mindful of the Advisor's availability. While the College will make reasonable efforts to take into account the Advisor's availability, the College will not allow the Advisor's unavailability to unreasonably delay the Title IX Grievance Process. As described below, parties who come to hearing without an Advisor will be provided a College-appointed Advisor for the hearing.

Role of the Advisor

As set out in Department of Education regulations, a party may choose whether or not to have an Advisor supporting them in all phases of the Grievance Process *except* the hearing phase. Parties must have an Advisor at hearing. Parties who do not have an Advisor to support them at the hearing will be provided an Advisor by the College. The Advisor may not disrupt an investigatory meeting. At hearing, an Advisor may only direct questions at the other party or witnesses as specified in this process. An Advisor may not make verbal objections or other statements of advocacy. The Advisor may consult with the party that they are assisting. The Advisor's role during the hearing process is defined in greater detail below.

Communications

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

Meetings with Title IX Coordinator

Any party may request to meet with the Title IX Coordinator or designee at any point before, during, or after the process.

Presumption of Not Responsible

The Respondent is presumed to be not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of this process.

Initiating the Grievance Process: Filing a Formal Complaint

Formal Complaint

A Formal Complaint is a written document filed and signed by a Complainant (or otherwise showing that the Complainant is the one filing the document), or signed by the Title IX Coordinator, that alleges that a Respondent has engaged in Title IX Prohibited Conduct. The filing of a Formal Complaint with the Title IX Coordinator initiates this Grievance Process. At the time of filing a Formal Complaint, a Complainant must be participating in or attempting to participate in a Program or Activity of the College. All Formal Complaints will be investigated by the College. Where the Title IX Coordinator signs a formal complaint, the Title IX Coordinator is not a Complainant or otherwise a party.

Filing Requirements

To initiate the Title IX Grievance Process, the Complainant must submit a Formal Complaint, in paper or electronic format, to the Title IX Coordinator. The Formal Complaint must contain sufficient information regarding the allegations of Title IX Prohibited Conduct to permit the Respondent to understand the allegations being brought and to be able to adequately respond. At a minimum, the Formal Complaint must indicate: the name of the Respondent; the date or approximate date of the complained of conduct; a description of the conduct about which the Complainant is complaining; and the location of the alleged conduct, if known. Further, the Formal Complaint must indicate, to the best of the Complainant's ability, the alleged form(s) of Title IX Prohibited Conduct, as detailed in the College *Interim* Title IX Policy, that the Complainant alleges the Respondent committed. The Formal Complaint should clearly indicate that the Complainant is seeking for the alleged Policy violations to be resolved using this Process. It is not required that the Formal Complaint reflect every detail related to the allegations in the complaint; additional information may be discovered during the investigation.

A Formal Complaint should be filed with the Title IX Coordinator in person, by mail, or by electronic mail, to the Title IX Coordinator, Laurie A. Frankl, lfrankl@amherst.edu.

Review of Formal Complaint

If the Title IX Coordinator or designee determines that a Formal Complaint does not include sufficient information regarding the allegations of instances of Title IX Prohibited Conduct to permit the Respondent to understand the allegations being brought and to adequately respond, the Title IX Coordinator will request that the Complainant re-submit the Formal Complaint.

Opportunity to Amend Formal Complaint

If the investigation reveals other related allegations of instances of Title IX Prohibited Conduct not otherwise detailed in the Formal Complaint, the Complainant will have the opportunity to amend the Formal Complaint to include allegations of these additional related instances.

Timing of Complaints

Formal Complaints may be filed by individuals who, at the time of the filing of the Formal Complaint, are participating in or attempting to participate in the College's Programs or Activities. The College will not reject as untimely any Formal Complaint that otherwise meets all of the threshold criteria detailed in this policy.

Effect of Criminal Proceedings

The adjudication of a Formal Complaint of Title IX Prohibited Conduct under this process is independent of any criminal investigation or criminal 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 the Respondent is responsible for violating College policy.

Dismissal of Formal Complaints

Required Dismissal

At any time prior to the commencement of a hearing, if the conduct alleged in a Formal Complaint would not constitute Title IX Prohibited Conduct even if proved; did not occur in the College's Programs or Activities; or did not occur in the United States, the College is required to dismiss the Formal Complaint under this Process.

Permissive Dismissal

The College may dismiss a Formal Complaint if, at any time prior to the hearing:

- The Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the Formal Complaint or any allegations therein;
- The Respondent is no longer enrolled or employed by the College; or
- Specific circumstances prevent the College from gathering evidence sufficient to reach a determination as to the Formal Complaint or any allegations therein.

Complaints that are dismissed pursuant to this section may be remanded to appropriate College personnel for review of the alleged conduct. Parties will be simultaneously notified of any decision to dismiss the Formal Complaint. Either party may appeal any decision to dismiss the Formal Complaint through the appeal procedures set forth below.

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.

Notice of Allegations

Following the receipt of a Formal Complaint, the Title IX Coordinator will provide to both parties (if known) a Notice of Allegations. This Notice will include:

- A copy of or link to the College's *Interim* Title IX Grievance Process;
- Information related to the allegations of Title IX Prohibited Conduct alleged in the Formal complaint;
- A statement that the Respondent is presumed not responsible for the alleged conduct;
- A statement explaining that a determination of responsibility is made at the conclusion of the grievance process;
- Information regarding the parties' opportunity to be supported by a Advisor of their choice, who may be an attorney, and that their advisor may inspect and review evidence as provided for in this process;
- A reminder that his process prohibits knowingly making false statements or knowingly submitting false information during the Grievance Process.

Information for Respondent

When a Formal Complaint has been received and following the review described above, the Title IX Coordinator will inform the Respondent that a Formal Complaint has been filed against them, will provide to the Respondent a Notice of Allegations and a copy of the Formal Complaint, and will provide the Respondent with a copy of this Process and its provision, below, for the Respondent to submit a Written Response.

Written Response to Formal Complaint

The Respondent has the opportunity to submit a written response to the Complaint. Written responses must be submitted no later than 10 calendar days from the date the Respondent was provided the Complaint. Responses should be filed with the Title IX Coordinator. The Title IX Coordinator will share the Respondent's written response with the Complainant.

Acceptance of Responsibility

At any point in the process the Respondent may choose to accept responsibility for the conduct alleged in the Complaint. If the Respondent accepts responsibility for the conduct alleged in the Complaint, 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, the Title IX Coordinator will request that the Decision Maker determine the outcome.

Non-Cooperation/ Participation by Parties - No Negative Inference

If the Respondent refuses or fails to meet and cooperate with the Title IX Coordinator or designee or the Investigator, the adjudication of the Complaint will nonetheless proceed. As detailed below, no negative inference will be drawn from the decision of any party to not participate in any part of the Title IX Grievance Process.

Informal Resolution of Formal Complaints

The parties may choose to engage in an informal resolution of the Formal Complaint, so long as the following conditions are met:

- Both parties have received the Notice of Allegations (described below);
- Both parties voluntarily choose to engage in informal resolution;
- Both parties provide informed written consent; and
- The Formal Complaint is not a matter brought by a student Complainant against an employee Respondent.

Informal resolution may include conflict mediation or a restorative conference with a College community member. Sanctions or other remedies may be agreed upon as a result of the informal resolution process. 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 Decision Makers by the Title IX Coordinator. No statements made during the informal resolution process may be introduced before the Decision Makers. All information resolutions will be conducted in a reasonably prompt time frame.

Information Sharing

College personnel will take reasonable steps to protect the privacy of persons and information. Process participants, including parties and witnesses, should understand that disclosing information learned during the investigation may compromise the integrity of the investigation and could also be construed as retaliation. Persons are, of course, free to discuss their own personal experiences.

Expectations of Both Parties

- **Review Policy/Forward Questions**
Both the Complainant and the Respondent are expected to review this Process and timely forward any questions or concerns to the Title IX Coordinator.
- **Retain all Potentially Relevant Information**
Both parties are expected to retain - and not destroy - all potentially relevant information in their possession.
- **No Retaliation**
Both parties are expected to adhere to the College's prohibition against retaliation.

Investigation Phase

Investigator

The Title IX Coordinator will designate a trained and impartial Investigator to conduct an investigation of the alleged conduct and provide notice to the parties with the name of the designated Investigator. The Investigator will have specific training and experience investigating allegations of Title IX Prohibited Conduct. The Title IX Coordinator will oversee the Investigation Process.

Opportunity to Object to Investigator Designation

Within 48 hours of receiving notice of the designated Investigator, either party may submit to the Title IX Coordinator a request for removal of the Investigator based on bias, conflict of interest, or an inability of the Investigator to be impartial. Objections to Investigation Designation must include information supporting the request. The Title IX Coordinator will review the request and issue a determination either replacing the Investigator and providing the parties with a new notice of the designated Investigator, or informing the parties that the Investigator will not be replaced.

Investigation Process

The Investigator will coordinate the gathering of information from the Complainant, Respondent, and other individuals or entities that may have relevant information regarding the allegations using any of the methods listed below.

Document/Records Review

In addition to reviewing any documents submitted by the Complainant and Respondent, the Investigator will seek to obtain other records which may be directly related to the allegations raised in the Formal Complaint, including, but not limited to documents, police records, electronic or other record of communications between the parties or witnesses or records or other potentially relevant information. In seeking to obtain such evidence, the Investigator will comply with applicable laws and College policies.

Site Visits

The Investigator may visit sites or locations of potential relevance to the allegations in the Complaint and record observations through written or photographic documentation.

Complainant and Respondent Interviews

The Complainant and the Respondent will have the opportunity to be interviewed (separately) by the Investigator. The Investigator may offer the parties the opportunity to participate in more than one interview.

Witness Interviews

The Investigator will make a good faith effort to contact and interview any witnesses, including those persons no longer at the College or who may not have any affiliation with the College. The parties will have the opportunity to provide witness names to the Investigator. The Investigator may also interview any other individual believed to have relevant information. The Investigator will inform each witness or other individuals interviewed that they are prohibited from retaliating against the Complainant and Respondent or other witnesses.

All witnesses who provide statements to the Investigator are expected to participate in the hearing on the matter. The Title IX Coordinator, or designee, will notify all witnesses of the date, time, and location of the hearing and offer each witness an opportunity to meet to discuss the Title IX Grievance Process.

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 is necessary to assist a Decision Makers in determining whether it is more likely than not that the Respondent is responsible for the allegations in the Complaint. The parties may, but are not required to, identify expert witnesses who they believe will assist the Decision Makers in determining whether it is more likely than not that the Respondent is responsible for the allegations in the Complaint.

Mental Health Records

The College will not require that parties disclose medical and counseling records, which are privileged and confidential documents; such records cannot be shared with anyone other than the treating professional unless the patient agrees to disclosure. Any voluntary disclosure of such records must be in writing by the individual about whom the records concern. Individuals should be aware that there are legal implications to agreeing to share and produce privilege records in whole or in part. The production of partial records may lead to the waiver of privilege and the production of additional records. Individuals are encouraged to seek advice from a knowledgeable source about the possible consequences of releasing this type of information. A party who, after due consideration, believes that their own medical or counseling records would be helpful in determining whether Title IX Prohibited Conduct occurred may voluntarily decide to present their own medical or counseling records to the Investigator. The Investigator will review the records and will use discretion to determine what information, if any, is directly related to the adjudication of the Formal Complaint. Any and all records deemed directly related will be made available to the other party for review.

Please note that if a party decides to produce such records, the records must be produced in their entirety. The production of excerpts or selected documents is unacceptable and will not be considered. A party who does not wish to provide substantive medical records may decide to voluntarily provide a verification of therapeutic or medical services to the investigator, confirming simply that such treatment occurred, but not providing any details regarding the treatment.

Review of Evidence

Prior to the Investigation Report being finalized, the parties will have an opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in the Formal Complaint, including any evidence upon which the College does not intend to rely in reaching a determination regarding responsibility. The Parties and their advisors, if identified, will each be sent in hard copy or electronic format the evidence for review and will have 10 days from the date of receipt to provide the Investigator with a response, if any.

Investigation Report

Contents

After receiving the parties' written responses to the evidence, if any, the Investigator will prepare an Investigation Report summarizing and analyzing the relevant information determined through the Investigation and referencing any supporting documentation or statements. The Investigator may provide a summary of their impressions including context for the information. The Investigator will not make a recommendation or a determination as to whether or not an alleged violation occurred; that decision is reserved for the Decision Maker.

Distribution to Parties

The Complainant and the Respondent and their respective advisors will receive a copy of the final Investigative Report at least 10 days before the Hearing. Parties may submit, to the Title IX Coordinator, a written response to the final Investigation Report. Written responses must be filed within 7 days after receipt of the final Investigation Report. Written responses will be shared with the other party.

Notice of Hearing

The Title IX Coordinator 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 Decision Makers. The Notice of Hearing will be sent at least 7 days prior to the hearing date.

Decision Makers

Student Respondents: Title IX Student Hearing Board

The Dean of Students or designee will serve as the non-voting Chairperson (“Chair”) and as an advisor to the Title IX Student Hearing Board. Title IX Student Hearing Board members shall not consist of faculty, staff, or students at Amherst College, including the Title IX Coordinator or the Investigator. The Title IX Student Hearing Board for a particular hearing is composed of three persons that are drawn from a pool of higher education professionals who have been recruited from the area community and trained by the College to serve on the Title IX Student Hearing Board. The Dean of the Faculty or designee may determine an alternate Title IX Student Hearing Board composition if a full Title IX Student Hearing Board cannot reasonably be convened. The Title IX Student Hearing Board is charged with making a determination of responsibility.

Faculty Respondents: Title IX Faculty Hearing Board

A Title IX Faculty Hearing Board shall be formed consisting of three faculty selected by the Committee of Six from among the faculty elected to the Committee on Adjudication. The Title IX Faculty Hearing Board will select its own chair. The Title IX Faculty Hearing Board is charged with making a determination on responsibility.

Staff Respondents: Title IX Staff Hearing

Hearings on Title IX Formal Complaints against College staff will be heard before the Chief Human Resources Officer, or designee, who will serve as Chair and Decision Maker. The Chief Human Resources Officer, in their capacity as Chair and Decision Maker, is charged with making a determination on responsibility.

Training for Decision Makers

Decision Makers will annually receive training regarding: how to serve impartially, issues of relevance, including how to apply the rape shield protections provided for Complainants, any technology to be used at the hearing, the manner of deliberation, the application of the preponderance of the evidence standard, and the College’s *Interim* Title IX Policy and *Interim* Title IX Grievance Process.

Recusal of Decision Makers

Decision Makers shall recuse themselves from any Title IX Grievance Hearing if they believe that they cannot serve without bias, conflict of interest, or an ability to be fair and impartial.

Pre-Hearing Opportunities

Request to Reschedule Hearing

Either party may request to reschedule the hearing. Requests to re-schedule must come directly from the Complainant or Respondent, must be submitted to the Title IX Coordinator or designee at least 48 hours prior to the scheduled start of the hearing, whenever possible, and must specify the reasons for the request. The Title IX Coordinator or designee will decide whether to grant such a request. The Title IX Coordinator or designee retains the discretion to reschedule the hearing at any time for good cause.

Request to Remove a Decision Maker

The Complainant and Respondent may submit written requests to the Title IX Coordinator or designee asking that a Decision Maker 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 Title IX Coordinator or designee within 72 hours following delivery of the Notice of Hearing. The Title IX Coordinator or designee will decide whether to grant such a request. Removal of a Decision Maker may require that the hearing be rescheduled.

Request to Present Witnesses Not Previously Identified

A party wishing to call any witness at hearing who has not been previously identified and/or interviewed by the Investigator, must submit a list of witnesses to the Chair or designee no later than 5 days prior to the scheduled start of the hearing. Parties should provide contact information (e-mail address; telephone number, if known) for any witness who is not a member of the Amherst College community.

A Request to Present Witnesses Not Previously Identified must include the following:

- A written statement and/or description of the information the witness is expected to provide at the hearing;
- A summary of why the witness' expected testimony is relevant to making a decision on the Formal Complaint; and
- The reason why the witness was not interviewed by the Investigator.

The Chair 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 Chair or designee may require that the Investigator interview newly suggested witnesses.

Hearing Board Witnesses

Decision Makers may call any person deemed to have relevant information.

Both parties and the Decision Makers will learn, prior to hearing, whether any witnesses have been approved, under these provisions, to appear.

Information for Consideration at Hearing

Information Not Provided to the Investigator

A party wishing to present documentation or other evidence at the hearing that was not provided to the Investigator, must submit to the Chair the list of documents or other evidence no later than 72 hours prior to the scheduled start of the hearing and a request that the documents or other evidence be available at hearing. The request 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 Chair 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 Chair 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 Decision Maker prior to the hearing.

Prior Sexual Behavior, Prior Findings of Similar Acts of Title IX Prohibited Conduct

When the Respondent raises consent as a defense, questions or information regarding prior consensual sexual contact between the parties may be deemed relevant, but is not necessarily determinative of whether it is more likely than not that the Respondent is responsible for the allegations in the Complaint.

Question and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant, unless (1) such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the alleged conduct; or (2) the questions or evidence concern specific incidents of the Complainant's prior sexual behavior with the Respondent and are offered to prove consent to the alleged conduct.

The above restrictions do not apply to information about a Respondent's sexual predisposition or prior sexual behavior.

A prior finding (post appeal opportunities) of responsibility for a similar act of Title IX Prohibited Conduct ("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.

Mental Health Information

Any information regarding any person's mental health that was not previously provided to the Investigator, or otherwise approved for admission via a pre-hearing request, may not be introduced at hearing.

Hearing Requirements

Participants

Those who may be present at the hearing are: the Complainant; the Respondent; each party's Advisor; the Investigator; witnesses; and other College officials. The Investigator and witnesses may only be present in the hearing room during the Call to Order and when they are providing information to the Decision Makers. The Complainant and Respondent will be present in the hearing room, unless as prescribed under Alternative Attendance.

Attendance at Hearing

Non-Attendance

If a party does not attend a hearing for any reason other than an emergency, the hearing may be held in their absence. The refusal by a party or witness to participate in a live hearing and to submit to cross-examination can have significant effects on the outcome, including by limiting the statements of the non-participating party on which the decision-maker may rely in making a determination, including statements made to other witnesses.

Alternate Attendance

A Complainant or Respondent may request to participate in the hearing by suitable means that would not require physical proximity to the other. This can include, but is not limited to, using technology to facilitate participation from a remote location. Technology will enable participants to meaningfully interact with the person answering questions. Witnesses may request to appear virtually. The Chair may allow for witnesses to appear through technological means rather than in-person attendance. All requests by a party to participate in the hearing other than in person must be submitted in advance of the hearing to the Title IX Coordinator.

Standard of Evidence

The Decision Maker 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).

Recording Proceedings

Title IX Hearings are audio-recorded for the purpose of: (1) reference by the Decision Maker; (2) review on appeal by the Appeals Officer; (3) the official record of the hearing; and (4) availability to the Complainant or Respondent, upon request. Decision Maker deliberations are not audio-recorded.

Privacy

Hearings are not public and, to the extent technology is necessary to effectuate the requests of the party, all live video will be closed circuit and not available or accessible to non-participants.

Expectations of Hearing Participants

Truthful Testimony

The Complainant, Respondent, witnesses, and other individuals sharing information with the Decision Makers are expected to provide truthful information in any proceeding under this Policy.

Participant Conduct

Any participant in the live hearing, including Advisors, must conduct themselves appropriately and respectfully towards all other participants. Participants may not act, and Advisors may not question parties or witnesses, in a way that may be considered by a reasonable person to be abusive, intimidating, harassing, or disrespectful. The Chair, in their sole discretion, may respond to such behavior by adjourning the hearing and excluding the offending person.

Time Limitations

The Chair retains discretion to reasonably limit the time of any part of the Hearing Process.

Conducting the Hearing

Role of the Chair

The Chair is responsible for maintaining an orderly, fair, and respectful hearing and has broad authority to respond to disruptive or harassing behaviors, including adjourning the hearing or excluding offending persons. During questioning of parties and witnesses by Advisors, the Chair will determine whether questions seek relevant information. The Chair will explain any decision to exclude a question as seeking non-relevant information.

Determining Relevance

In determining whether a question is seeking relevant information, the Chair will focus on whether the question seeks information, material to the allegations at issue, that would aid Decision Makers in determining whether the allegations are more likely or less likely to be true.

Role of Advisors at Hearing

Each party's Advisor will directly, orally, and in real time ask the other party and any witnesses relevant questions and follow-up questions.

Prior to the hearing, the parties are encouraged to meet with their Advisors in order to discuss with their Advisor the questions they would like asked at the hearing.

Parties are also encouraged, but not required, to submit to the Title IX Coordinator questions they would like asked at the hearing. The Title IX Coordinator will forward questions to the Chair. Pre-submitting questions may substantially shorten the duration of the hearing, since the Chair will have had the opportunity to assess the questions and whether they seek relevant information in advance of the hearing.

Advisors may not interject, coach, advocate for, or otherwise speak on behalf of the party they are supporting at hearing. This includes a prohibition against responding to, questioning, or arguing with the Chair regarding relevancy determinations.

In the event that a party does not have an Advisor present at hearing to conduct the questioning of the other party and witnesses, the College will provide an Advisor, of the College's choosing, to conduct the questioning at hearing.

Information Protected by Privilege

Information or evidence protected by a legally-recognized privilege or which relates to any party's medical, psychological, and similar records cannot be considered relevant unless the party about whom the information is requested or submitted has provided voluntary written consent to the inclusion of the otherwise protected information.

Duplicative/Repetitive Questions

Questions that are duplicative or repetitive may be deemed to not be seeking relevant information and may be excluded.

Decisions Regarding Questions

The Chair is not required to provide lengthy or complicated explanations in support of a relevance determination. Rather, it is sufficient, for example, for the Chair to explain that a question is excluded because the question seeks information related to otherwise excluded information or because the question seeks information about a detail that is not probative of any material fact concerning the allegations.

Discretion of the Chair

The Chair retains discretion to alter, at any time, the order of the hearing process, as needed.

Hearing Process

Call to Order

The Chair will call the hearing to order. All parties, the Investigator, and available witnesses will be present to hear the Call to Order. The Chair will describe the hearing process and provide an opportunity for all parties to ask procedural questions prior to opening remarks and the presentation of information. The Chair will ask each individual present to state their name and identify their role during the hearing.

Complainant's Opening Remarks

The Complainant may present their own account of the events.

Respondent's Opening Remarks

The Respondent may present their own account of the events.

Questioning of Complainant

The Hearing Board may ask Complainant questions, followed by the Respondent's Advisor. The Hearing Board will then have an opportunity to ask additional questions of the Complainant.

Questioning of Respondent

The Hearing Board may ask the Respondent questions, followed by the Complainant's Advisor. The Hearing Board will then have an opportunity to ask additional questions of the Respondent.

Questioning of Witnesses

Any witnesses that have been identified by the parties or Decision Makers for questioning will then each be questioned directly by each party's Advisor and then Hearing Board. Once a witness is done answering questions, they will be asked to leave the hearing.

Recall of Witnesses or Parties

The Decision Makers reserve 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.

Final Questions

The Chair will offer a final opportunity for any additional questions by each party's Advisor.

Summary Statements

Prior to the close of the Hearing, the Complainant and the Respondent may make brief summary statements to the Decision Makers. The Complainant will present their summary statement first, followed by the Respondent.

Effect of Non-Appearance at Hearing or Failure or Refusal to Submit to Questioning

As described above, the failure or refusal of a party or witness to participate in a hearing and/or to submit to questioning can have a significant effect on the outcome of a matter, including by limiting the Decision Makers' ability to rely on statements of the party who did not submit to questions. More specifically:

Effect of Failing to Respond to Question by Party's Advisor

If a party or witness is present at the live hearing, but disagrees with a determination by the Chair of a relevancy determination, they have the choice of either (1) abiding by the Chair's determination and answering the question, or (2) refusing to answer the question. If the party or witness refuses to answer the question, the Decision Makers may not rely on any statement about which a party or witness has declined to answer cross-examination questions.

Failure to Respond to Question(s) by Decision Maker

If a party or witness refuses to answer a question posed by a Decision Maker, the Decision Makers are not barred from relying on statements that related to the question posed in its determination of responsibility. The Decision Makers may not, however, draw any inference about the determination of responsibility based solely on a party's refusal to answer questions.

Decision Making

At the conclusion of the hearing, everyone other than the Chair, the College's legal counsel, and Decision Makers, if different than the Chair, will be dismissed from the hearing to allow the Decision Makers to deliberate in private. The Chair and the College's legal counsel may remain for deliberations, but do not vote. The Decision Makers' decision will be determined by majority vote. If the Decision Makers make a responsible finding, then the Chair or Title IX Coordinator, as applicable, will provide the Decision Makers with information related to the Respondent's prior conduct history, if applicable.

If the Decision Makers find the Respondent responsible for one or more alleged policy violations, 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 Decision Makers may schedule additional meetings to complete deliberations if necessary.

Sanctions

If the Decision Makers find the Respondent responsible for one or more policy violations of the *Interim* Title IX Policy, the Decision Makers will impose appropriate sanctions. Sanctions may be issued individually or in combination with other sanctions. In determining the appropriate sanction(s), the Decision Makers may consider a number of factors including, but not limited to: restoring or preserving the Complainant's equal access to the College's Programs or Activities; 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.

Sanctions for Title IX Prohibited Conduct may range from mandated education, a formal warning, probation, suspension, expulsion (for students), or corrective action up to and including termination (for employees).

Sanctions may also require that existing Supporting Measures stay in place for a prescribed period of time. Likewise, sanctions may involve the imposition of new remedies, such as no contact orders, disciplinary probation, housing placement, or academic adjustments, based upon the facts developed during the investigation and the hearing, as well as the conclusions reached by the Decision Makers.

Written Determination of Hearing Outcome

The Chair will draft and simultaneously distribute to the parties a written determination of the hearing outcome, that will include the following:

- Identification of the allegations of Title IX Prohibited Conduct;
- A description of the procedural steps taken from the receipt of the Formal Complaint through to the determination, including: notifications to the parties; the identity of the Investigator; dates of interviews with parties and witnesses; dates and locations of site visits; methods used to gather other evidence; hearing date; and information related to any actual or perceived procedural issues, including delay for good cause.
- Findings of fact supporting the determination;
- Conclusions regarding the application of the *Interim* Title IX Policy to the facts;

- A statement of, and rationale for, the Decision Makers' finding as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the College imposes on the Respondent, and whether remedies designed to restore or preserve equal access to the College's Programs or Activities will be provided by the College to the Complainant; and
- Information regarding appeal opportunities.

Appeal Process

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 7 calendar days of the Notice of Outcome. The Title IX Coordinator will inform the non-filing party that an Appeal Request has been filed.

Grounds for Appeal

The appeal may only be based on one or more of the following grounds and must state, with specificity, the moments during the process that gave rise to the stated grounds of appeal:

- Procedural irregularity that affected the outcome of the matter (i.e. a procedural error that, but for the error's occurrence, could have resulted in a different outcome);
- Bias or conflict of interest, by a Decision Maker, the Investigator, or the Title IX Coordinator (i.e. a Decision Maker, the Investigator, or the Title IX Coordinator 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 that was not reasonably available at the time of the determination regarding dismissal of the Formal Complaint or responsibility was made that was not reasonably available at the time and that could have affected the outcome of the decision on dismissal or responsibility.

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.

Threshold Review

The Title IX Coordinator will forward the Appeal Request to:

- For **Student** Respondent matters: Provost and Dean of the Faculty, or designee;
- For **Staff** Respondent matters: Chief Financial and Administrative Officer, or designee;
- For **Faculty** Respondent matters: Provost and Dean of the Faculty, or designee.

For purposes of this process, persons who decide Appeal Requests are herein collectively referred to as the Appeals Officer.

Within 7 business days of the timely submission of the Appeal Request, the Appeals Officer 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:

New Information

The Appeals Officer 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)

Inappropriateness of the Sanction

The Appeals Officer 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 Appeals Officer will defer to Decision Makers’ decision unless it has no rational basis.

Procedural Irregularity

The Appeals Officer will determine whether the procedural irregularity identified in the Appeal Request:

- Constitutes a procedural irregularity; and
- Is corroborated by the record.

Bias by a Decision Maker, the Investigator, or the Title IX Coordinator

The Appeals Officer 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, Decision Maker, the Investigator, or the Title IX Coordinator was predisposed for or against one of the parties.

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

If the Appeals Officer 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 7 calendar days to submit a written Response to Appeal Request to the Title IX Coordinator, who will forward it to the Appeals Officer 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 the Review of the Merits.

Review of the Merits

If Review of the Merits was granted on the basis of Procedural Irregularity and/or Bias of a Decision Maker, the Investigator, or the Title IX Coordinator, the Appeals Officer will conduct a Review of the Merits, which is based solely on the Appeal Request, the Response to Appeal Request (if any), and the record of the original hearing, as follows:

Procedural Irregularity

The Appeals Officer will determine whether it is substantially more likely than not that, if the identified procedural irregularity(s) had not occurred, the hearing could have resulted in a different outcome.

Bias of a Decision Maker, the Investigator, or the Title IX Coordinator: The Appeals Officer will determine whether it is substantially more likely than not that the specific words and/or actions identified in the Appeal Request indicate that a Decision Maker, the Investigator, or the Title IX Coordinator, was predisposed for or against one of the parties.

If the Appeals Officer finds merit to the appeal, it will remand the matter to a new hearing conducted by Decision Makers who did not decide the original matter.

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

Review by Original Decision Makers

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

Once convened, the original Decision Makers 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 Decision Makers 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 Decision Makers 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 Decision Makers will communicate its decision to the Title IX Coordinator, who will inform the parties. The decision is final.

Order of Precedence

In the event that the Appeals Officer grants a Review of the Merits on multiple Grounds for Appeal, such that reviews by both the Appeals Officer and the original Decision Makers are warranted, the process will begin with Appeals Officer review. If the Appeals Officer finds merit in the appeal and therefore remands the matter to new Decision Makers, 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 Decision Makers, the Investigator, or the Title IX Coordinator, then the process will continue with Review of the Merits on the basis of New Information and/or Inappropriateness of the Sanction.

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 Appeals Officer or any other person involved in reviewing the Appeal throughout the duration of the Appeal Process.

Designees

The Appeals Officer may designate someone to fulfill any or all of the responsibilities identified in the Appeal Process. In the absence of the Appeals Officer, the Title IX Coordinator will designate another individual to serve the role of the Appeals Officer.

Records Maintained

The College will maintain an official record of the hearing.

If a student has been found responsible by the Decision Makers for violating the *Interim* Title IX 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 7 years after their departure from the College.

Time Frames

The College will endeavor to undertake and complete each stage of the *Interim* Title IX Grievance Process in a reasonably prompt manner. General time frames for each stage are provided below. The College may delay this process or provide limited extensions of time frames for good cause. Written notice of delays or extensions will be provided to the parties. Good cause includes, but is not limited to: the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or the accommodation of disabilities.

Investigation Stage: 90 days

Conclusion of the Grievance Process: 21 days

Conclusion of Informal Resolution Process, if utilized: 30 days

Resolution of an Appeal Request: 21 days

Contact Information

Inquiries about Title IX and the application of Title IX regulations to the College may be referred to:

Laurie A. Frankl

Title IX Coordinator

Amherst College

Converse Hall, Room 105-E

413-542-5707

lfrankl@amherst.edu

U.S. Department of Education

Office for Civil Rights

Lyndon Baines Johnson Department of Education Bldg.

400 Maryland Avenue, SW

Washington, DC 20202-1100

Telephone: (800) 421-3481

FAX: 202-453-6012; TDD: 800-877-8339

Email: OCR@ed.gov

Boston Office

Office for Civil Rights

US Department of Education

8th Floor

5 Post Office Square

Boston, MA 02109-3921

Telephone: 617-289-0111

FAX: (617) 289-0150; TDD: (800) 877-8339

Email: OCR.Boston@ed.gov

Section 14. College Sanctions and Corrective Actions

The responsible administrator for this section is the Office of Community Standards. The Office of Student Affairs has approval authority.

14.0. Introduction

The Director of 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 and corrective actions to Respondents found to have violated provisions of the code. If a student is found responsible for a violation of the *Student Code of Conduct* and is assigned a sanction, the sanction takes effect immediately and remains in place until it is completed, expires, or is vacated through an appeals process. For violations of intellectual responsibility, the instructor is responsible for assessing any course consequence. In some cases, where a finding is not made (i.e., cases where medical amnesty is applied), the College may still require students to engage in corrective actions (see Section 4.4, *AOD Medical Amnesty Statement*).

This section lists some of the sanctions and corrective actions that may be imposed upon students or student groups. The College reserves the discretion to impose more stringent or different sanctions or corrective actions depending on the facts and circumstances of a particular case. Sanctions for student misconduct under the *Student Code of Conduct* are generally cumulative in nature.

14.1. Warning

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

14.2. Financial Restitution

Monetary reimbursement to a person or to the College for damage or loss of property or the abridgment of a person's use or access to the use of property or a service.

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 Restitution 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 adjudicator will be responsible for supervising the student's implementation of the community restitution. The adjudicator 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.

14.6. Parent/Guardian Notification

At the discretion of an adjudicator, a student 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 a 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 extracurricular 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 Community Standards may assign other sanctions as well, depending on the seriousness of the offense and the student's previous record. **Note:** Course penalties are not available sanctions to the Community Standards Adjudication Process. All grade related matters are solely the purview of the course instructor.

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.

14.15. Deferred Sanction

In some cases, a sanction may be held in abeyance for a specified period of time. This means that if the student is found responsible for any violation of College policy during that period of time, the student will be subject to the deferred sanction without further review of the prior case in addition to the disciplinary action appropriate to the new violation.

Section 15. The Resolution of Student Grievances with Members of the Faculty

The responsible administrator for this section is the Office of the Provost and Dean of the Faculty. Amherst College faculty have approval authority.

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 a member of Residential Life.

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

II. Submitting Formal Charges

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

Throughout the informal procedures for the resolution of grievances, both the student and the faculty member may each be accompanied and represented by an Advisor of his or her choosing from among the Amherst College faculty, administration, staff or student body, and the student may be accompanied and represented by such an Advisor in the presentation of formal charges to the Dean. Upon receipt of such charges, the Dean of the Faculty will provide written copies to all of the parties against whom the complaint is directed. Within one week of receiving a formal charge, the Dean of the Faculty will proceed as follows:

If the Dean deems the charges insufficiently serious or insufficiently supported by evidence to warrant a formal hearing, he or she decides the matter 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 business 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

The responsible administrator for this section is the Office of Human Resources and the Amherst College Police Department. The Office of Human Resources and the Amherst College Police Department have approval authority.

Student grievances against administrators or staff of the College should be brought to the attention of the Chief Human Resources Officer. 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 the Amherst College Police Department or to an administrator from the Office of Student Affairs.

Chapter III. Select College Policies

Section 17. Consensual Sexual Relations Between Faculty Members and Students

The responsible administrator for this section is the Office of the Provost and Dean of Faculty. Amherst College faculty have approval authority.

The integrity of the faculty-student relationship is at the core of Amherst College's educational mission. This relationship vests considerable trust in the faculty member, who in turn bears authority and accountability as a mentor, educator, and evaluator. The college prohibits consensual sexual relations between faculty members and students who are enrolled at Amherst College and/or in Amherst College courses. Such relations compromise the integrity of the educational process and may place the student and sometimes the faculty member in a vulnerable position, reduce the instructor's impartiality, and create a disruptive learning environment for all students. Simply having faculty members recuse themselves from supervising, evaluating, advising, or teaching students with whom they had or have consensual sexual relations is not sufficient; doing so deprives those students of educational, advising, and career opportunities and does not address the impacts on other students or other members of the educational community.

Faculty members who have general questions about this policy or concerns about an alleged violation of it may contact the provost and dean of the faculty. Alleged violations of this policy are resolved using the formal or informal procedures outlined in Faculty Handbook (III., I.). For purposes of this policy, the definition of faculty in the Faculty Handbook (II., C.) applies.

Students who have general questions about this policy or concerns about a past or ongoing relationship may contact the dean of students (voted by the faculty, March 3, 2020).

Section 18. Involuntary Withdrawals

The responsible administrator for this section is the Office of Student Affairs. The Office of Student Affairs has approval authority.

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

The responsible administrator for this section is the Registrar's Office. The Registrar's Office has approval authority.

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. Transcript Requests

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 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 have access to those portions of a student's record, not including medical or counseling records, that are necessary for them to perform their advisory, administrative or instructional functions. 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 of Students or designee. 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," may be available for public consumption unless the student specifically directs that it be withheld. 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.

The student should complete the *Do Not Release Directory Information* form which is provided under the forms section of the Registrar's Office website. Former students should contact the Office of Alumni and Parent Programs.

Section 20. Image Release Policy

The responsible administrator for this section is the Office of Communications. The Office of Communications has approval authority.

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 for editorial purposes in various locations, including on the College website, in printed publications, social media, or in broadcasts. If a student does not want their image or recording included for any reason, please contact the Office of Communications directly by emailing comms@amherst.edu.

Section 21. Legal Aid

The responsible administrator for this section is the Office of General Counsel. The Office of General Counsel has approval authority.

The College does not provide legal assistance. Students who need legal assistance may wish to contact one or more of 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

The responsible administrator for this section is the Office of General Counsel. The Office of General Counsel has approval authority.

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

Section 23. Weapons Policy

The responsible administrator for this section is the Amherst College Police Department. The Amherst College Police Department has approval authority.

23.0. Policy Statement

This policy prohibits the possession of weapons in and around premises owned or controlled by Amherst College and at Amherst College-sponsored events in other locations.

23.1. Applicability

This policy applies to all Amherst College students, faculty, staff, visitors, contractors, and any other person on Amherst College property, in an Amherst College facility, or at an Amherst College –sponsored activity or event. This policy applies regardless of any federal or state license that has been issued to the person possessing the weapon, with exceptions only as noted below.

23.2. Policy

Except as noted below, the General Laws of the Commonwealth of Massachusetts prohibit the possession of the following on the campus of any college or university: any firearm, stiletto, dagger, dirk knife, any knife having a double-edged blade, a switch knife or any knife having an automatic spring release which has a blade over one and one-half inches, a sling shot, black jack, metallic knuckles or knuckles of any substance with a similar effect as metallic knuckles, pellet guns, BB guns, mace, and pepper spray.

In addition to the weapons identified above, Amherst College also prohibits all other weapons, including, but not limited to: open flames (unless otherwise approved by Environmental Health and Safety), ammunition, explosives, paintball guns, replica guns (except as noted below), electronic incapacitation or other stun weapons, and any other object (including an otherwise innocuous object) that the college determines could be used (or is being used) to harass or injure another individual or that the college reasonably determines has the effect of intimidating another individual.

23.2.1. Exceptions

Only Amherst College Police Officers and other law-enforcement officers are authorized to possess firearms on campus.

Possession of a replica gun does not constitute a violation of this policy, provided that such replica gun is used exclusively in connection with a theatrical production. The Chief of Police and Director of Public Safety may authorize other possession or use of a replica gun in certain other limited circumstances.

In accordance with Massachusetts law, any exception to this policy authorizing the presence of a weapon otherwise prohibited under the law (including any firearm) must be approved in writing by the President of the college. Any request for such an exception should be directed to the President in the care of the Chief of Police and Director of Public Safety. Requests for an exception by faculty members for pedagogical purposes will be approved unless the use would pose an exceptional danger to the community.

23.2.2. Violations

The possession of any weapon on Amherst College property in violation of this policy by an Amherst College student, faculty member, or staff member will result in disciplinary action, up to and including termination of employment or expulsion. The college may issue a no-trespass order to, and enforce the terms of a no-trespass order against, any other person who violates this policy.

In addition to the consequences noted above, in most instances, the college will also pursue legal action against anyone who:

- 1) possesses a firearm on campus in violation of this policy;
- 2) possesses any weapon while not lawfully present on campus; and/or
- 3) uses any weapon in the commission of any other violation of law or college policy.

Nothing in this policy precludes law enforcement, including Amherst College Police, from taking appropriate law-enforcement action, including criminal complaints and/or arrests.

Section 24. Unmanned Aerial Systems (“Drones”) & Model Aircraft Policy

The responsible administrator for this section is the Office of General Counsel. The Office of General Counsel has approval authority.

24.0. Policy Statement

The operation of Unmanned Aircraft Systems (“UAS,” commonly referred to as “drones”) and Model Aircrafts is regulated by the Federal Aviation Administration (“FAA”) as well as relevant state laws and local ordinances. This policy sets forth the rules applicable to the operation of UAS and Model Aircraft on Amherst College property and by those acting on behalf of Amherst College.

24.1. Applicability

This policy applies to: 1) anyone operating a UAS or Model Aircraft on or above Amherst College Property; and 2) any student, faculty member, or staff member operating a UAS or Model Aircraft on or above any non-Amherst College property while on college business.

24.2. Definitions

Amherst College Property – Buildings, grounds, and land that are owned by Amherst College or controlled by Amherst College via leases or other formal contractual arrangements to house ongoing college operations.

College Business – For purposes of this policy, college business includes the operation of UAS or Model Aircrafts necessitated as part of: 1) a student, faculty, or staff member’s employment at Amherst College; or 2) college-sponsored or -affiliated activities.

Unmanned Aircraft Systems (“UAS”) – According to the FAA, a UAS is the unmanned aircraft and all of the associated support equipment, control station, data links, telemetry, communications, and navigation equipment necessary to operate the unmanned aircraft. Unmanned aircraft include quadcopters, multirotor, helicopters, drones, and fixed-wing models if these aircraft are used for any purpose other than recreation. (If used for recreation, this equipment is called a “model aircraft,” see below for more information.) FAA regulations apply to UAS regardless of size or weight; however, unmanned aircraft weighing less than 250 grams are not required to be registered with the FAA. Model aircraft and rocks, balloons, kites, and gliders that are not “capable of sustained flight in the air” are not regulated as unmanned aircraft; however, other FAA regulations may apply.

Model Aircraft – Model aircraft are defined by the FAA as remotely-piloted aircraft weighing less than 55 pounds and operated solely for “recreation.” In the case of student use of Model Aircraft, the FAA has clarified that “recreation” includes use for coursework, research projects, and contests – provided that faculty involvement is only incidental. If faculty involvement is more than incidental, the operation of the remotely-piloted aircraft is not “solely for recreation” and it is thus considered a UAS.

24.3. Policy

The operation of Unmanned Aircraft Systems (“UAS,” commonly referred to as “drones”) and Model Aircrafts is regulated by the Federal Aviation Administration (“FAA”) as well as relevant state laws and local ordinances.

Because the risks associated with UAS and Model Aircraft operations generally increase with aircraft weight and with proximity to congested areas, some UAS and Model Aircraft operations may require additional safety measures, policy considerations, and insurance provision – or, in more extreme cases, may be conducted only by third parties with suitable qualifications, equipment, and insurance.

All operation of UAS or Model Aircraft either: 1) on or above Amherst College property; or 2) on or above non-Amherst College property in connection with college business must meet the following rules and conditions:

1. The operator is personally responsible for complying with this policy and all applicable federal, state, and local laws, ordinances, and regulations, including, but not limited to, the FAA Small Unmanned Aircraft Rule (https://www.faa.gov/uas/media/Part_107_Summary.pdf). In addition, operators of Model Aircraft must follow safety guidelines from the Academy of Model Aeronautics or equivalent FAA-recognized Community-Based Organization.
2. UAS and Model Aircraft used for research or other educational use must be less than 55 lbs. as regulated by the FAA.
3. UAS and Model Aircraft used for any purpose other than research or education must be less than 10 lbs. as required by the terms of Amherst College's insurance.
4. Anyone who intends to operate a UAS or Model Aircraft on or above Amherst College property or on Amherst College business must first receive written permission from the Chief of Police and Director of Public Safety or designee.
5. In order to be granted permission to operate a drone on or above Amherst College property, the operator must provide evidence of a Remote Pilot's License.
 - a. If the UAS weighs more than 250 grams, the operator must also provide evidence of registration per FAA requirements.
 - b. If the operation of the UAS or model aircraft does not constitute college business, the operator must provide proof of liability insurance of no less than one million dollars (\$1M) for UAS operations. (Note: Individuals can purchase coverage through the Academy of Model Aeronautics at <http://www.modelaircraft.org/>).
6. Operators must carry written evidence of permission at all times while operating UAS or Model Aircraft.

Operators must take all reasonable precautions to avoid areas normally considered to be private. An operator of a UAS or Model Aircraft should take care to avoid entering onto, overflying, surveying, or creating a nuisance on or above any other private property except with written permission from the landowner.

24.4. Procedures

24.4.1. Request for Permission

A request for permission to operate a UAS or Model Aircraft on or above Amherst College property or on Amherst College business must be submitted at least fourteen (14) days prior to the intended operation of the UAS or Model Aircraft, absent exigent circumstances.

Requests by Amherst College students, faculty, or staff for research or other educational purposes will generally be approved unless they would not comply with this policy or applicable law, or would create a unique risk.

The Chief of Police and Director of Public Safety may deny any operator the authority to operate a UAS or Model

Aircraft on or above Amherst College property or on college business.

24.4.2. Appeals

The denial of any request by a student, faculty, or staff member to operate a UAS or Model Aircraft for research or educational purposes may be appealed to the Dean of the Faculty. The decision of the Dean of the Faculty shall be final.

In all other instances, the decision of the Chief of Police and Director of Public Safety shall be final and may not be appealed.

24.5. Violations

Any violation of this policy by a student, faculty, or staff member will be handled in accordance with the applicable policies and procedures of Amherst College.

Any third party operating a UAS or Model Aircraft on Amherst College property in violation of this policy may be trespassed and removed from campus. The college may pursue criminal or other legal action against any such third party.

Any fines incurred by a UAS or Model Aircraft operator under applicable federal, state, or local laws, ordinances, or regulations are the sole responsibility of the operator and will not be paid by Amherst College, unless such use occurs within the scope of the operator's employment at the College.

Section 25. Posting Policy

The responsible administrator for this section is the Office of Student Affairs. The Office of Student Affairs has approval authority.

25.0. Policy Statement

This policy sets forth rules regarding the posting and other distribution of physical material at Amherst College in a way that appropriately and safely utilizes available space, prevents defacement of college property, and reduces unnecessary expenditures of college resources used to repair and/or replace college property. The parameters set forth in this policy respect and encourage freedom of expression, more specifically the promotion of events and the promotion of ideas through general awareness campaigns. The policy is not intended to censor the expression of ideas; rather it sets forth reasonable restrictions on the time, place, and manner of postings as contemplated under both the college's *Statement on Academic and Expressive Freedom* and the *Statement of Freedom of Expression and Dissent*.

25.1. Applicability

This policy applies to all Amherst College students and student groups. Although this policy does not specifically apply to faculty and staff of Amherst College, they are strongly encouraged to employ the guidance of this policy.

25.2. Definitions

Designated Posting Spaces – spaces (such as bulletin boards, posting kiosks, or other explicitly-approved locations) that have been provided and designated by the college specifically for the purpose of affixing postings. A complete list of designated posting spaces is included in Appendix A of this policy. Designated Posting Spaces fall into four different categories: 1) academic department posting spaces; 2) residential posting spaces; 3) administrative building posting spaces; and 4) Student Life posting spaces.

Designated Posting Space Manager – individual faculty members or staff members at the college who are responsible for managing a particular designated posting space. A complete list of the designated posting space manager(s) for each space is included in Appendix A of this policy. All references to “designating posting space manager” refer to the designated posting space manager(s), or their respective designees, for the specific designated posting space being utilized.

Lawn Displays – free-standing signs, sandwich boards, A-frames, and other physical installations or displays that are primarily intended for: 1) giving directions, noting the location of an event, or advertising an event; or 2) an awareness-raising campaign.

Posting – for purposes of this policy, a “posting” includes all methods of mass-distributing information in physical or hardcopy form, including, but not limited to, posters, fliers, table tents, signs, banners, chalked messages, lawn displays, and any other methods that the college determines are subject to this policy.

25.3. Policy

25.3.1. General Rules (applicable to all postings except where specifically noted)

The following rules and restrictions apply to all postings on the Amherst College campus or any other property owned by Amherst College:

25.3.1.1. Eligibility to Post

Only Amherst College students and student groups, excluding unrecognized student organizations, are permitted

to post on campus without advance permission. For the avoidance of doubt: students of the other Five Colleges, prospective students, former students, visitors, and friends of Amherst College students are not permitted to post on campus without advance permission of the designated posting space manager for each designated posting space utilized.

25.3.1.2. Location

25.3.1.2.1. Postings may be affixed only to designated posting spaces as set forth in Appendix A. Only one posting about a particular event or general-awareness campaign is permitted in a designated posting space at any given time, unless otherwise approved in advance by the designated posting space manager. Unless otherwise approved in advance by the designated posting space manager postings in designated posting spaces must be no larger than 11 inches by 17 inches.

25.3.1.2.2. Postings may not cover any other existing posting, regardless of whether the covered posting has expired.

25.3.1.3. Content

25.3.1.3.1. For students acting as individuals (i.e., not representing a student group): postings must respect the Amherst College *Student Code of Conduct*. The name and Amherst College email address for each individual responsible for the posting must be included on the posting.

25.3.1.3.2. For student groups: postings must respect the Amherst College *Student Code of Conduct* and must be related to the mission and functions of the student group. The name and Amherst College email address of each student group responsible for the posting must be included on the posting. If the student group does not have an Amherst College email address, the name and Amherst College email address of at least one member of the organization must be included on the posting.

25.3.1.3.3. Falsely identifying a student or student group as responsible for a posting is prohibited.

25.3.1.3.4. If the posting promotes a specific event, the event must be identified by title/subject, date, time, location, and sponsoring organization.

25.3.1.3.5. If the posting does not promote a specific event, but rather is in the nature of an awareness-raising campaign, it must include an expiration date that is no later than two weeks from the date the posting occurs. A duplicate posting cannot be used to replace an expired posting within the same semester without the express written permission of the designated posting space manager.

25.3.1.3.6. Business and commercial advertising is not permitted without advanced approval by the designated posting space manager, and is also subject to the rules set forth in the *Student Code of Conduct*, Section 7.19 – *Solicitation*.

25.3.1.4. Removal of Postings

25.3.1.4.1. The college retains the discretion to remove any posting that does not comply with this policy.

25.3.1.4.2. The student(s) or student group(s) identified in the posting is responsible for removal of the posting on

the earlier of: 1) two weeks from the date the posting first occurred; or 2) the day after the date of the specific event (if any) listed in the posting.

25.3.1.4.3. The removal by any student of any posting that otherwise complies with this policy prior to the dates specified above is prohibited.

25.3.2. Specific Rules Applicable to Chalking

25.3.2.1.1. Only chalkboard or sidewalk chalk is permitted. Chalking using oil pastels and other types of non-water-soluble chalks is prohibited.

25.3.2.1.2. Chalking is permitted on sidewalks and roadways, provided that:

- a. the sidewalk or roadway being chalked is uncovered; and
- b. the chalking is limited to an area where the chalk can be washed away by rain.

25.3.2.1.3. Chalking upon any other surface, including, but not limited to, a building, statue, or natural feature of the campus (e.g., *trees*), is prohibited.

25.3.2.1.4. Messages in chalk are exempt from the following requirements otherwise applicable to postings:

- a. Sections 25.3.1.3.1. and 25.3.1.3.2. (requiring identification of the student(s) or student group(s) responsible for the chalking); provided that the student(s) or student group responsible for the chalking must notify the Director of Student Activities, the Director of Residential Life, and/or the Dean of Students of the intent to chalk at least 24 hours prior to the chalking.
- b. Section 25.3.1.4.2. (requiring timely removal of postings).

25.3.3. Specific Rules for Banners

25.3.3.1. Exterior and interior banners, including those on residence halls, are permitted only in locations that are explicitly approved by and installed by appropriate college personnel, such as the Director of Student Activities, Facilities staff, or the Dean of Students or designee.

25.3.3.2. Interior banners must comply with applicable fire safety regulations.

25.3.4. Specific Rules for Lawn Displays

25.3.4.1. Lawn displays must not interfere with pedestrian or vehicular traffic.

25.3.4.2. Lawn displays (particularly those along Route 9) must comply with Town of Amherst bylaws, as applicable.

25.3.4.3. Lawn displays related to a specific event are permitted on the day(s) of the event, and must be removed within two hours of the conclusion of the event.

25.3.4.4. Lawn displays that are used for awareness-raising campaigns must be approved in advance by the Dean of Students or designee.

25.3.4.5. Students who are intending to use lawn displays are encouraged to contact the Supervisor of Landscape

and Grounds to avoid conflicts with lawn maintenance crew schedules. The college reserves the discretion to remove lawn displays at any time.

25.3.5. Violations

Failure by a student or student group to comply with this policy may result in the loss of all posting privileges. Furthermore, any student who violates this policy or applicable law may be subject to the college's formal conflict resolution processes and sanctions – depending on the severity and nature of the violation (including whether the individual has been previously warned or sanctioned for violating this policy).

Nothing in this policy restricts the discretion of the college to separately address and/or remove postings that are not otherwise within the scope of this policy.

25.4. Appendix A: List of Designated Posting Spaces and Procedures

25.4.1. Poster Distribution

Student-generated event posters can be dropped by Keefe 018 for dispersion across campus (50 locations). Submissions are accepted on a rolling basis but the deadline each week for Wednesday distribution is Tuesday by 4:30 p.m. Students must print their own posters and can provide up to 50 copies for distribution. College workers will both hang and remove posters.

25.4.2. Bulletin Boards

Bulletin boards that are designated posting spaces are available across campus and are labeled according to four designations:

25.4.3. Community Board: available for use by all eligible persons (see Section 25.3.1.1. on eligibility to post). The following buildings contain labeled community boards:

- Residence halls
- Arms Music Center (lobby)
- Beneski Earth Sciences
- Converse Hall (1st floor, main entrance and hallway outside president's office)
- Frost Library (1st floor)
- Johnson Chapel (basement)
- Keefe Campus Center (main entrance)
- Seeley Mudd (lobby)
- Valentine (main entrance)
- Webster Center

25.4.3.1. For Resident Counselor (RC) Use Only: reserved for use by Residential Life staff. Community posters placed on these boards will be removed.

25.4.3.2. Reserved for Academic Programs: students have limited access to the following boards designated for Academic Programs:

- Admission office – bring posters to front desk.
- Barrett Hall – bring posters to Room 101.
- Chapin Hall – bring posters to Room 108.

- Cooper House – bring posters to Room 208.
- Grosvenor House – bring posters to Room 15.
- Service Building – bring posters to Room 201.

25.4.3.3. Reserved for Student Activities:

- Keefe Campus Center – check with building manager in lobby.

25.4.4. Posting Space Managers

- Academic department posting spaces (including Arms Music Center, the Beneski Earth Sciences Building, Seeley Mudd, and Webster Center): Academic Department Coordinators
- Residence hall posting spaces: Residential Counselors
- Administrative building posting spaces:
 - a. First floor, Converse Hall: Receptionist, President’s Office
 - b. Frost Library: Librarian of the College or designee
 - c. Valentine Dining Hall: Director of Dining Services, or designee (Manager of Dining Services and Student Dining)
- Student Life posting spaces: Office of Student Affairs or Student Activities

25.4.5. Banners

Student-generated interior banners may be posted in locations explicitly approved by the designated posting space manager and installed by appropriate college personnel. Student-generated exterior banners may be posted on the following buildings, when approved by the designated posting space manager and installed by appropriate college personnel:

- a. Frost Library entry canopy (Librarian of the College or designee)
- b. Valentine entry (Director of Dining Services or designee)
- c. Keefe Campus Center entry (Director of Student Activities or designee)
- d. Athletics entry (Athletics Director or designee)
- e. Powerhouse (Director of Student Activities or designee)

Section 26. Facility and Grounds Use Policy

The responsible administrator for this section is the Office of Student Activities, Conferences and Special Events, the Amherst College Police Department, and the Office of the Registrar. The Office of President has approval authority.

POLICY STATEMENT

This document sets forth principles for the use of Amherst College facilities and grounds. The intent of this policy is to promote responsible use of the college's facilities and grounds, enable the college to better know what events are occurring across campus, identify events that will necessitate logistical support (e.g., security planning, IT, etc.), and limit unauthorized uses by individuals who are not affiliated with the college.

APPLICABILITY

This policy applies to all uses of Amherst College facilities and grounds, with the exceptions of:

1. Parties and any other social events that are covered by either:
 - a. The Amherst College **Party Policy** (<https://www.amherst.edu/campuslife/our-community/keefe/party-registration/partypolicy>); or
 - b. The **Celebrating Commencement with On-Campus Parties** policy (<https://www.amherst.edu/news/specialevents/commencement/parties>);and
2. Use of the Emily Dickinson Museum or the Folger Shakespeare Library.

DEFINITIONS

For purposes of this policy, the terms below have the following meanings:

College Facilities — any building, room, structure, or space—whether located indoors or outdoors—that is located on property owned or otherwise controlled by Amherst College (with the exceptions of the Emily Dickinson Museum and the Folger Shakespeare Library), including college grounds.

Third Party — anyone other than an Amherst College 1) student (including student organization members) or 2) faculty or staff member acting in their official capacity. “Third Parties” include, but are not limited to, Amherst faculty members or staff members conducting personal business; students, faculty, or staff at another one of the Five Colleges; local nonprofit organizations; alumni; parents of Amherst College students; and residents of the Town of Amherst and other local communities.

POLICY

College Facilities are primarily intended for the core instructional and administrative functions of the college, which take precedence over all other uses. All uses of College Facilities must be consistent with the college's educational mission, at the college's sole discretion. While the college does not currently have a centralized procedure for reviewing requests to use College Facilities, many such facilities are overseen by the Office of Student Activities or the Office of Conferences and Special Events (CASE). Oversight of other College Facilities currently varies by facility, based on customary practice.

Effective as of the approval date of this policy, anyone who authorizes use of a College Facility is expected to gather the following information prior to authorizing the use:

1. The anticipated number of attendees;
2. Whether amplified sound will be used;
3. The Amherst College offices/departments from which logistical support will be requested to facilitate use of the College Facility;
4. Whether the use is sponsored or co-sponsored by any Third Party;
5. The name, current employer(s) (if any), and a one-paragraph biography of each speaker/presenter; and
6. Whether the event poses any risk of damage to the College Facility.

In the event of Third Party use of a College Facility for anything other than a meeting of a local community organization, alumni, parents, or community members, the college may require the Third Party to meet certain insurance requirements and/or sign a written contractual agreement vetted by the college's Office of General Counsel.

The college reserves the discretion to cancel, disallow, or terminate any use of College Facilities that does not comport with this policy (or any other college policy) and/or that the college determines is (or would be) interfering with the normal operation of the college. Furthermore, the college reserves the discretion to cancel, disallow, or terminate any use of College Facilities by a Third Party at any time and for any reason.

Prohibited Uses:

Prohibited uses of College Facilities include, but are not limited to:

1. Activities that are prohibited by:
 - a. federal or state law, or regulation;
 - b. local ordinance; and/or
 - c. other binding legal authority;
2. Activities that violate any Amherst College policy;
3. Activities by for-profit individuals or entities that constitute greater than *de minimus* use of a College Facility funded in whole or in part by tax-exempt bonds; and
4. Activities conducted in a manner that creates an appearance that Amherst College endorses a candidate for political office.

Actions Not Attributable to Amherst College:

Use of College Facilities by a particular individual or group does not constitute support by the college for that individual's or group's views or objectives. The college's Office of Communications coordinates institutional responses to the media, including statements of the college's official position (if any) on a particular matter.

HELPFUL LINKS

- **Conferences and Special Events (CASE)**
https://www.amherst.edu/news/communications/conferences_special_events/events_planning
- **Student Activities**
https://www.amherst.edu/campuslife/our-community/keefe/student_event_planning

Section 27: Protests and Free Expression Policy

The responsible administrator for this section is the Amherst College Police Department. The Office of President has approval authority.

Statement of Academic and Expressive Freedom

(voted by the faculty, May 3, 2016)

Institutions of higher learning dedicate themselves to a range of goals: the pursuit of truth and knowledge, the refinement and transmission of intellectual skills, the articulation of values, the creation of works of artistic merit, and the critical examination of received wisdom. The promotion of these goals requires unstinting dedication to academic and expressive freedom. Such freedom protects the right of members of the academic community to speak, write, curate, and create without obstruction, disruption, or the fear of institutional censure, censorship, or retaliation.

This strong commitment to the freedom of inquiry lies at the heart of Amherst College's mission to create a home in which the liberal arts may flourish. As a small residential liberal arts college that prides itself on the ability, curiosity, and diversity of its students, Amherst seeks to create a respectful environment in which members of its community feel emboldened to pursue their intellectual and creative passions. At times, the desire to foster a climate of mutual respect may test the college's duty to protect and promote the unfettered exchange of ideas. On such occasions, the college's obligations remain clear. The liberal arts cannot thrive absent the freedom to espouse and debate ideas that are unpopular, controversial, discomfiting—and even seemingly wrongheaded or offensive. Members of an academic community may and, indeed, should challenge and oppose ideas they find offensive and loathsome. Yet the response to disagreeable and even insulting ideas must not contravene the commitment to expressive freedom that enables the college to thrive as a space of liberal inquiry.

Even the most vigorous defense of intellectual and creative freedom knows limits. The college may properly restrict speech that, for example, is defamatory, harassing, invades a protected right to privacy or confidentiality, constitutes incitement to imminent violence, or otherwise violates the law. It may place reasonable limitations on the time, place, and manner of expression, and may restrict speech that directly interferes with core instructional and administrative functions of the college. But these restrictions and limitations must be understood as narrow exceptions to the college's overriding commitment to robust open inquiry.

Statement of 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.

Protests, Demonstrations, and Peaceful Dissent

Amherst College prizes and defends the ability 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. The college also recognizes that such freedoms entail responsibility for one's actions. Thus the college encourages and facilitates the expression of views by its members so long as there is no use or threat of force, nor interference with opportunities for others to express their views.

The guidelines herein are intended to promote the safe and peaceable exchange of ideas; to transparently set forth reasonable time, place, and manner restrictions that are contemplated under both the college's *Statement of Academic and Expressive Freedom* and the *Statement of Freedom of Expression and Dissent*; to limit the ability of people unaffiliated with Amherst College to use the college as a stage for provocation; and to preserve the ability of the college to take action in situations that threaten the safety of members of the campus community or interfere with the core instructional and administrative functions of the college.

The guidelines apply to all Amherst College students, faculty, staff, alumni, visitors, contractors, and any other person on college property. They apply to all situations, with the exception of a guest speaker invited by a faculty member to speak in an academic course, seminar, lecture, symposium, or other academic setting. *Note: If there is a possibility that a speaker in an academic course, symposium, lecture, etc. will draw a large audience or occasion protests, faculty members planning the event are urged to alert the Amherst College Police Department for help in implementing safety measures.*

Outside speakers who have 1) been invited by Amherst College students, faculty members, or staff members; 2) satisfactorily completed the college's event planning and approval processes (see "Planning an Appearance by an Outside Speaker, a Protest, or a Demonstration," below); and 3) agree to abide by college regulations and applicable laws, are welcome to speak on campus.

Acts of peaceful protest and demonstration—such as marches, rallies, sit-ins, and picketing—are permitted, under the conditions that follow, with the college reserving the right to restrict behaviors that directly interfere with core instructional and administrative functions of the college.

Planning an Appearance by an Outside Speaker, a Protest, or a Demonstration

Students, Faculty, and Staff

Any Amherst College student, faculty member, or staff member who would like to bring an outside speaker to campus (except for a faculty member inviting an outside speaker to participate in an academic course, seminar, lecture, symposium, etc.), or who is planning a peaceful protest or demonstration, must consult with at least one of the following offices:

- the Office of Student Affairs, or Student Activities,
- the Office of the Provost and Dean of the Faculty,
- Conferences and Special Events, or
- the Amherst College Police Department.

This will allow the college to provide appropriate logistical support (e.g., advice regarding building occupancy limits, fire safety regulations, or other applicable laws); to minimize the disruption to the core functions of the college; and to prepare for potential counter-protest or other reactions. Senior administrators or the Chief of Police and Director of Public Safety may choose to reach out proactively to students, faculty members, or staff members planning an event to discuss safety protocols and logistical support. All members of the campus community are expected to cooperate when contacted.

The college reserves the discretion to postpone, cancel, or prohibit any speaker, protest, or demonstration if the conditions of this policy are not met.

Persons Unaffiliated with Amherst College

Without an invitation from an Amherst College student, faculty member, or staff member, unaffiliated persons who wish to speak or protest on college property must consult with, cooperate with, and receive prior written approval from the Amherst College Chief of Police and Director of Public Safety at least four weeks prior to the potential event. (Use of campus facilities and grounds is governed by the *Amherst College Facility and Grounds Use Policy*.)

Time, Place, and Manner

The college may place reasonable limitations on the time, place, and manner of any speaker, protest, or demonstration. Time, place, and manner restrictions may be imposed whether the event is planned by students, faculty, staff, or unaffiliated persons.

The college reserves the discretion to place time restrictions on speakers, protests, or demonstrations such that they occur inside the hours of 8 a.m. to 10 p.m.

The college may assign, reassign, and/or limit activities to particular locations on Amherst College property.

The core instructional and administrative functions of the college must not be disrupted. All activities must be conducted in a peaceable manner. Threats of force, use of force, use of intimidating tactics, incitements to violence, and unwelcome physical contact are all prohibited. Protests and demonstrations must not block access to the venue in which another event is being held. All building occupancy limits, fire safety regulations, and other applicable laws must be followed. No masks, [weapons](#), or open flames are permitted, except open flames that have been approved in advance for a specific event by the Office of the Provost and Dean of the Faculty or the Office of Student Affairs. The college may restrict the use of outdoor amplification equipment and may restrict the building of any structure on campus, including tents. Organizers must remove all items and materials upon the activity's conclusion.

Violations

Any student, faculty member, or staff member who violates this policy may be subject to the college's disciplinary processes and sanctions. Decisions to implement the disciplinary process will be made thoughtfully. Barring exceptional circumstances, the college will endeavor to issue a warning to any student, faculty member, or staff member before taking other actions. The college may arrest or pursue other legal action against any unaffiliated person who violates this policy.

Section 28: Authorization to Provide Distance Education

Amherst College provides distance education to its students residing in the District of Columbia, Puerto Rico, the U.S. Virgin Islands and all U.S. states except for California pursuant to the National Council for State Authorization Reciprocity Agreements (SARA). More information on SARA can be found at <https://nc-sara.org/>. Amherst College also provides distance education to its students located in the State of California. The State of California allows nonpublic higher education institutions that grant undergraduate degrees, graduate degrees, or both, and that are formed as nonprofit corporations and are accredited by an agency recognized by the United States Department of Education to offer distance education to its residents. Amherst College does not offer programs that are intended to lead to professional licensure (*e.g.*, teaching, nursing, etc.).

Complaints Regarding Distance Education

This policy governs student complaints resulting from Amherst College's distance education courses, activities and operations. Students must first make and attempt to resolve such complaints in accordance with Amherst College's internal policies (provided that allegations of criminal offences or violations of the Commonwealth of Massachusetts' general-purpose laws may be made directly to the relevant state agencies).

The following complaint procedures are available to Amherst College students based on the subject matter of the complaint as it relates to distance education:

1. **Grade Change Policy** (<https://www.amherst.edu/academiclife/registrar/faculty/grading-information/grade-change-policy-instructions>)
2. **Section 504 Grievance Procedure** (<https://www.amherst.edu/amherst-story/facts/amherst-college-policies/nondiscrimination-policies/-section-504-disability-grievance-procedure>)
3. **Sexual Misconduct Policy** (<https://www.amherst.edu/offices/title-ix/title-ix-policy>)
4. **Nondiscrimination Statement** (<https://www.amherst.edu/amherst-story/facts/amherst-college-policies/nondiscrimination-policies/nondiscrimination-statement>)
5. **The Resolution of Student Grievances with Members of the Faculty** (<https://www.amherst.edu/offices/student-affairs/community-standards/community-standards-processes/student-grievances-with-members-of-the-faculty>)
6. **The Resolution of Student Grievances with Administrators, Staff, or Visitors** (<https://www.amherst.edu/offices/student-affairs/community-standards/community-standards-processes/student-grievances-with-administrators-staff-and-visitors>)
7. **General Grievance Policy for Distance Education** [<https://www.amherst.edu/mm/631350>]

If a student complaint has not been satisfactorily resolved after the student has exhausted all options under Amherst College's internal policies and procedures, the student may file a written complaint with state authorities. The procedures for filing a complaint with state authorities vary depending on the student's place of residence.

Residents of Massachusetts: Students may file a complaint with the Massachusetts Department of Higher Education using the procedures and complaint form found here: [link to: <https://www.mass.edu/forstufam/complaints/complaints.asp>]

Residents of SARA member states and territories: The District of Columbia, Puerto Rico, the U.S. Virgin Islands and all U.S. states except for California are members of SARA. Residents of SARA member states and territories may file a complaint with the Massachusetts Department of Higher Education by using the SARA procedures and complaint form found here [link to <https://www.mass.edu/foradmin/sara/complaints.asp>]. The complaint must be filed within two years of the incident about which the complaint is made. Complaints regarding student grades or student conduct violations are governed solely by the College's internal policies and the laws of the Commonwealth of Massachusetts and cannot be escalated as described herein.

Residents of non-SARA member states and territories (including California and Guam): Students may file a complaint with the Massachusetts Department of Higher Education using the same procedures and complaint form provided for Massachusetts residents above, and may also file a complaint with authorities in their home state or territory:

California: <https://www.bppe.ca.gov/enforcement/complaint.shtml>

Guam: <https://www2.ed.gov/about/contacts/state/gu.html>

Distance Education General Grievance Procedure

Amherst College students who are enrolled in distance education courses during the 2020-2021 academic year may file a grievance under this procedure regarding any matter that: 1) relates to a distance education course; and 2) is not otherwise the subject of an applicable grievance procedure of the college. Any such grievance may be submitted using this form [<https://www.amherst.edu/mm/652711>]. The College will review the grievance and endeavor to respond within 15 business days. If the College determines that the grievance is subject to a different policy or procedure, the College will direct the student to the appropriate policy or procedure.

Amherst College

Distance Education Student Complaint Form

This complaint form may be used by any Amherst College student to resolve a complaint that relates to a distance education course, as set forth in the College's Distance Education Complaint Policy [<https://www.amherst.edu/mm/631349>].

Please provide the following information:

* *Required*

*First Name

*Last Name

*Student ID Number

Class Year

*Nature of your complaint (check all that apply)

- Grade change
- Discrimination
 - Disability discrimination and/or failure to provide reasonable accommodations
 - Sexual misconduct or discrimination (including pregnancy, sexual orientation, gender expression, and gender identity)
 - All other discrimination (*i.e.*, discrimination on the basis of race, national or ethnic origin, color, religion, age, genetic information, military service, or any other characteristic or class protected under applicable federal, state, or local law)
- Complaint against a member of the faculty
- Complaint against an administrator, staff member, or visitor
- Any other complaint that is related to distance education and is not covered above

*Please describe your complaint in detail. Describe any steps you have taken to resolve this matter, including the names and/or titles of any Amherst College faculty or staff member you have contacted about this matter and their response (if any).

*Please describe your requested outcome.

Please attach any supporting documents you wish to submit with your complaint.

Please submit your complaint to: ofgc@amherst.edu

Amherst College will endeavor to provide a response to your complaint within 15 business days. If the College determines that your complaint is subject to a specific complaint procedure, you may be required to take additional steps under that procedure.

Section 29: Nondiscrimination and Harassment Policy

Amherst College is committed to creating and maintaining an equitable and respectful environment for all members of its community. Discrimination and harassment on the basis of a person's legally protected identity can cause both individual and community harm, is unlawful, and is contrary to the mission of the College.

Amherst College also recognizes that sexual misconduct, which is a type of sex discrimination, is harmful in all of its forms. The 2020 amendments to Title IX regulations exclude from Title IX many forms of sexual misconduct that, though not covered by Title IX, are strictly prohibited by the College. These behaviors, collectively referred to as sexual misconduct, constitute discrimination based on sex, gender, or sexual orientation, and are prohibited by this policy. The College encourages anyone who is seeking help or intending to share information about a concern of sexual misconduct, or any other form of identity-based harm, to come forward. The College does not require or even expect any person to understand with certainty which policy may apply to the concern they are reporting. The College will decide whether a report of sexual misconduct falls under this policy or the *Interim* Title IX Policy and will support all individuals regardless of the applicable policy.

In conjunction with the College's Nondiscrimination Statement and the Amherst College Statement of Freedom of Expression and Dissent, this policy represents the College's strong commitment to an environment free from unlawful identity-based discrimination and harassment and to upholding, within the bounds of the law, the free expression of ideas and pursuit of knowledge that are so critical to the College's mission.

Purpose of this Policy

The purpose of this policy is to provide the College community with: definitions of prohibited behaviors; options to report those behaviors; clearly-articulated expectations regarding the College's response to and assessment of those reports; options to address prohibited behaviors; and resources for community members affected by prohibited behaviors.

Scope

This policy applies to all members of the Amherst College community, including students, employees (faculty and staff), as well as all visitors and independent contractors.

Prohibited Behavior

Discrimination: The adverse treatment of any individual or group of individuals based on their protected identity, rather than on the basis of their individual merit. Pursuant to this policy, as well as state and federal law, Amherst prohibits discrimination against individuals or groups on the basis of one or more protected identities (as defined below).

Harassment: Harassment is verbal or physical contact, or conduct using technology, that is based on a person's protected identity and is so severe or pervasive that it has the purpose or effect of unreasonably interfering with an individual's work performance or educational program participation, or that creates an intimidating, hostile, or offensive work or educational environment. Sexual misconduct is a form of harassment based on sex, gender identity, gender expression, or sexual orientation.

Some forms of sexual misconduct fall exclusively under the College's *Interim* Title IX Policy, like, for instance, a sexual assault that occurs on campus. Others fall under this policy because, for instance, the behavior happened off-campus or meets this policy's definitions, but not the more narrow definitions under Title IX. Sexual misconduct also includes relationship violence; sexual assault; and stalking. See Glossary, below, for complete definitions.

Protected Identities

In accordance with the College's Nondiscrimination Statement, the following identities are protected by law and/or College policy: race, national or ethnic origin, color, religion, sex or gender (including pregnancy, sexual

orientation, gender expression, and gender identity), age (over 40), disability, genetic information, military service, or any other characteristic or class protected by applicable federal or state law.

Reporting to the College

The College strongly encourages all individuals to report concerns about identity-based discrimination or harassment, including sexual misconduct, regardless of the reporting party's certainty about whether the reported behavior would violate this policy and regardless of where the alleged harm occurred. The College seeks to support all community members, including those who feel they have been aggrieved. Reporting as soon as possible will, in most instances, increase the ability of the College to address the reported behaviors.

How to Report a Concern:

- **Person-to-Person:**

The College has established the Review Team to assess reports of identity-based harm. Any person may contact any member of the Review Team to report a concern. Team members can be reached by email or telephone.

Review Team contact information:

- Angie Tissi-Gassoway (Chair)
Associate Dean of Students for Diversity and Inclusion
413-542-5114
atissi@amherst.edu
- Laurie Frankl
Title IX Coordinator
413-542-5707
lfrankl@amherst.edu
- Dean Gendron
Senior Associate Dean of Students
413-542-2337
dgendron@amherst.edu
- Allen Hart
Interim Chief Equity & Inclusion Officer
413-542-5659
ajhart@amherst.edu
- Dina Levi
Director of Workforce Equity and Inclusive Leadership
413-542-5945
dlevi@amherst.edu

Advisory Members:

- Catherine Epstein
Provost and Dean of the Faculty, Winkley Professor of History
413-542-2334
cepstein@amherst.edu
- Larry Hunt
Ombudsperson
413-542-2372
lhunt@amherst.edu
- Jodi Foley

Director of Accessibility Strategy and Resources
413-542-5447
jfoley@amherst.edu

On-Line Reporting Portal:

Any person may [submit a report](#) via the College's Identify-Based Harm Reporting Portal.

Sexual Misconduct Reporting Portal:

Any person may [submit a report](#) of sexual misconduct via the College's Sexual Misconduct Reporting Form.

Anonymous Reporting Option:

Anonymous reports may be made by telephone by calling 888-497-1022 or online at www.amherst.ethicspoint.com.

Depending on the level of information available about the incident and the involved parties, the College's ability to respond to an anonymous report may be very limited.

Time Frame for Reporting:

The College welcomes and encourages reporting of identity-based discrimination, harassment, and sexual misconduct and does not limit the time frame for reporting. The College encourages prompt reporting where possible, because it increases the College's ability to respond to the reported behavior and to provide support to affected community members. Reporting parties should be mindful that delays in reporting may affect options for response, particularly when an accused individual is no longer a student, faculty, or staff at the College.

Report Assessment

The Review Team will assess reports of identity-based discrimination and harassment to consider and evaluate the following:

- Known or potential individual and/or community safety concerns;
- Known or potential harm to individuals or the community;
- The wishes of the reporting and/or aggrieved parties;
- Parties' needs for supportive measures and resources; and
- Options for responding to the alleged harm.

Referrals of Reported Information:

The Review Team's assessment may lead to the referral of some or all of the reported information to campus partners, such as: Amherst College Police Department; the Office of Student Affairs; the Office of Diversity, Equity, and Inclusion; the Office of the Provost and Dean of the Faculty; and/or the Office of Human Resources. Such information will be shared on a "need-to-know" basis and in accordance with the Statement on Privacy, below.

The College may determine that a report of harassment based on sex, gender identity, gender expression and/or sexual orientation falls under the College's *Interim* Title IX Policy. These matters will be promptly forwarded to the Title IX Office and the reporting and/or aggrieved parties will be contacted by the Title IX Coordinator or a Deputy Title IX Coordinator.

Reports involving: 1) discrimination or harassment on the basis of disability; or 2) failure to provide appropriate accommodations may be handled under the [College's Section 504 Grievance Procedure](#).

Not all reports of identity-based harm will meet the definitions of harassment and discrimination (above) and may constitute reports of Bias Incidents, defined below. These concerns deserve attention and response and will, therefore, be forwarded to the College's Bias Education Response Team (BERT).

Outreach to Named Reporting Party and/or Aggrieved individuals

As part of its assessment, and if identities are known, the Review Team will make outreach to those who have reported the concern and/ or those who are identified as having been aggrieved. This outreach will indicate that a report has been received. When outreach is to an aggrieved person, the communication will: indicate that the College has received a report; provide information about supportive measures; provide information about the options to resolve the concern; and include an offer to meet with a member of the Review Team.

Supportive Measures

Supportive measures are actions taken by the College that are intended to restore or preserve equal access to the College's educational program or activities, including the work environment. Supportive measures may be available to individuals affected by identity-based harm and/or sexual misconduct regardless of where the alleged conduct took place and regardless of whether or not aggrieved individuals choose to pursue a formal remedy. Supportive measures may include, but are not limited to:

- No Communication and Restricted Proximity Order (NCRPO);
- Academic, employment, or residence modification;
- Emotional support; and
- Interim separation / investigative leave.

Even when a College community member does not specifically request supportive measures, the College may choose to implement supportive measures, at its discretion, in the interest of the safety and/or wellness of any individual and/or the broader College community. In considering and implementing supportive measures, the College will value the wishes of involved individuals, overall fairness, and every community member's equitable access to educational and/or employment opportunities. Supportive measures will be reviewed as needed and/or requested, by the Chair of the Review Team.

Requests for, or concerns about, supportive measures should be directed to Angie Tissi-Gassoway, Chair of the Review Team.

Options for Resolution of Reported Behavior

These options, available for reports against College community members, may not be mutually exclusive. Reports against visitors or independent contractors will be managed at the discretion of the College.

- No College-Facilitated Resolution:

Aggrieved individuals can choose to receive supportive measures from the College and request that no further action be taken. Pursuant to the Community Standards Adjudication Process, the Office of Community Standards has discretion to bring forward a complaint against students for violation of this policy. The College will seriously consider the wishes of the aggrieved person(s) and keep them apprised should the College decide to move forward with an adjudication.

- Educational Meeting:

When appropriate and/or by request, a member of the Review Team can address reported behavior through an educational conversation with the individual(s) who allegedly engaged in identity-based discrimination or harassment. The purpose of the meeting is to help community members understand how their alleged behavior may align with this policy. Members of the Office of the Provost and Dean of the Faculty, Office of Human Resources, or Office of Student Affairs may participate in the meeting, as appropriate.

- Referral to The Center for Restorative Practices:

Parties to a reported concern of identity-based discrimination or harassment may voluntarily choose to utilize restorative practices. When appropriate, the Review Team will refer parties to College staff who are trained to facilitate a restorative resolution.

- Grievance Processes:

Grievances processes are available for the formal investigation and resolution of identity-based harm and sexual misconduct allegations against students, staff, and faculty. Individuals who believe that they have experienced conduct that is prohibited by this policy may seek to have their concern resolved through a grievance process.

- Allegations Against Students:

Aggrieved individuals may work with the Office of Student Affairs' Community Standards Office. [The Community Standards Adjudication Process](#) will govern.

- Allegations Against Staff:

Aggrieved individuals may work with the Office of Human Resources. [The Staff Grievance Policy](#) will govern.

- Allegations Against Faculty:

Aggrieved individuals may work with the Office of the Provost and Dean of the Faculty. [The Resolution of Student Grievances with Members of the Faculty](#) will govern complaints by students against faculty. [The Grievance Procedures for Members of the Faculty](#) will govern all other complaints against faculty.

Each respective grievance process provides information about the range of responses and sanctions available in matters where an accused person is found responsible for violating this policy.

The Review Team will continue to support individuals who are involved in a grievance process.

Notice of Initiation of Grievance Process - Complaint Notification

When a complaint initiating a grievance process is filed against a student, staff, or faculty member alleging a violation of this policy, the person(s) who have been named in the complaint as allegedly violating this policy will be provided notice that a complaint has been filed and a copy of the relevant policies. This notice will include the date, time, and location, if known, of the alleged incident(s) of violations of this policy and information regarding which portion(s) of this policy they are alleged to have violated.

Investigation of Grievance Process Complaints

Matters that are referred for resolution through a grievance process will be investigated. Investigations will be conducted by a College staff member or by an outside investigator. Investigators will have training and experience investigating allegations of identity-based discrimination and harassment. The Chair of the Review Team will oversee investigations.

At the conclusion of the investigation, the investigator may draft an investigation memorandum. This memorandum may be utilized by the Review Team in its ongoing assessment of reported concerns. The memorandum may also, at the discretion of the Chair of the Review Team, be provided to campus partners involved in the resolution of the reported concern.

Coordination with Law Enforcement

Behaviors that violate this College policy may also be criminal under state and/or federal law. In addition to working with the College, any aggrieved individual may seek to notify or may decline to notify law enforcement, whether it is Amherst College Police Department, local, or state police. The College can assist individuals in connecting with law enforcement and will cooperate with law enforcement agencies to the extent permitted by law. Individuals can choose to work with law enforcement exclusively, concurrently with, before, or after, any on-campus resolution process.

Court-Issued Protective Orders

In some cases, an individual may wish to consider requesting that a local district court issue a protective order (known in [Massachusetts as Abuse Prevention Orders or Harassment Prevention Orders](#)). These requests are civil proceedings that are independent of the College. The Amherst College Police Department can assist community members in learning about and, if requested, filing paperwork with the Court to request an order of protection.

Individuals who obtain a court-issued protective order and College community members who are subject to court-ordered protective orders are encouraged to notify either the Chair of the Review Team, the Title IX Coordinator and/or the Amherst College Police Department. The College will work with parties to court-issued protective orders to understand the nature of the order and whether and how it impacts their activities on campus.

Resources

The College is committed to treating all individuals with dignity, care, and respect. All Amherst College community members who have been affected by identity-based discrimination or harassment and/or sexual misconduct have access to various forms of support through the College.

On-Campus Support for Students

- Amherst College Health Services | 413-542-2266
- Amherst College Counseling Center | 413-542-2354 (24/7)
- Office of Identity & Cultural Resources | 413-542-5114
- Office of Religious & Spiritual Life | 413-542-8149
- Office of Student Affairs Administrator on Call | 413-542-2337 (after hours, by contacting ACPD dispatch at 413-542-2291)

Off-Campus Support for All Community Members | Sex/Gender Based Concerns:

- Center for Women & Community | 413-545-0800 (24/7)

The Center for Women and Community (“CWC”) provides confidential 24/7 counseling to support victims of sexual violence, regardless of their sex or gender. CWC also provides advocates to support individuals before, during, and after sexual assault examinations.

- Safe Passage | 413-586-5066 (24/7)

Safe Passage provides support, resources, and safety planning assistance to dating and domestic violence survivors of any sex or gender.

Confidential 24/7 hotline staffed with trained advocates.

Cooley Dickinson Hospital: 413-582-2000 (24/7)

- Sexual Assault Nurse Examiner (SANE) available to conduct examinations
- Individuals who would like to be supported by an advocate before, during, and after a SANE exam should contact the Center for Women and Community; see above.

- (Student only) University Health Services - University of Massachusetts Amherst: 413-577-5000

Generally, open weekdays 8:00am to 8:00pm and weekends 11:00 am to 5:00 pm during the academic year.

Support for Employees:

- Employee Assistance Plan | 800-828-6025
- Amherst Omsbudperson: Larry Hunt | 413-542-5156

Preservation of Evidence:

The College encourages all individuals to seek assistance from a medical provider and/or law enforcement. This is the best option to preserve evidence and to begin a timely investigative and remedial response. The College will assist any College community member with safety concerns and will provide transportation to the hospital, coordination with law enforcement, and information about the College's resources and complaint processes.

Confidential Resource Provider for Individuals Affected By Sexual Misconduct:

The College has designated Confidential Resource Providers to assist individuals affected by sexual misconduct to obtain information about resources, policies, and supportive measures, confidentially. The Confidential Resource Provider can provide information about:

- reporting options and the effects of each option;
- counseling services available on campus;
- relevant off-campus services and resources;
- supportive measures at the College;
- formal resolution processes available at the College;
- the legal process carried out through local law enforcement agencies; and
- information about relevant court orders, like protective orders and College issued no contact orders

The Confidential Resource Provider will not disclose personal information without your consent.

Confidential Resource Provider:

Amanda Collings Vann

Director of Health Education

Keefe Health Center

413-542-5671

avann@amherst.edu

Statement on Amnesty

The College encourages reporting and seeks to remove barriers to reporting. The College recognizes that a student who was drinking alcohol or using drugs at the time of an incident may be hesitant to make a report because of potential consequences for their own conduct under the *Student Code of Conduct*. Accordingly, a student who reports identity-based discrimination or harassment will not be subject to disciplinary action by the College for that student's own personal consumption or 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 or any other person at risk. The College may, however, initiate an educational discussion or pursue other educational remedies regarding alcohol or other drug use.

Statement on Privacy

The College is committed to respecting privacy in responding to reported concerns of identity-based discrimination or harassment. Consistent with the Family Educational Rights and Privacy Act of 1974 (“FERPA”), information related to a report of discrimination or harassment will be shared with only those individuals who “need-to-know” the information in order for the College to properly assess and resolve the matter or as may be required by law.

Although the Review Team may choose to release aggregate statistics regarding implementation of this policy, no individually-identifiable information will be released by the College except as permitted by law or College policy.

If a report of identity-based discrimination or harassment discloses an immediate threat to the College campus community, the College may, in accordance with its obligation under the Clery Act, issue a Timely Warning notice of the conduct to the community in the interest of the health or safety of the broader campus community. Immediately threatening circumstances include, but are not limited to, reported incidents of recently occurring identity-based discrimination or harassment that include the use of force, a weapon, or other circumstances that may represent a serious and ongoing threat to College students, faculty, administrators, staff or visitors.

Statement Against Retaliation

Amherst College prohibits retaliation. Depending on the circumstances, retaliation may also violate applicable state and/or federal law.

Retaliation is any adverse action taken against a person because of their participation in the processes described in this policy. Such participation includes, but is not limited to: filing a report under this policy; providing information to, or otherwise cooperating with, the Review Team, Human Resources, or another College department; or supporting an individual in the process of resolving an allegation of discrimination or harassment and/or sexual misconduct. This policy’s prohibition against retaliation applies to an individual reporting discrimination or harassment or sexual misconduct under this policy — even if the content of the report is later disproved — as long as the report was made in good faith.

The College recognizes that: retaliation can take many forms; retaliation can be committed by an individual or a group; and reporting parties, responding parties, and witnesses can both perpetrate and/or be the subject of retaliatory behavior.

Any Amherst College community member who believes that they have experienced retaliation is encouraged to report it to a member of the Review Team as soon as possible.

Glossary:

As used in this policy, certain terms are defined as follows:

Bias Incident: Acts, not otherwise covered by this policy, that one could reasonably conclude stem from bias against the perceived or actual identity of a person or group, that cause harm to the person or to the larger community.

Consent: Where definitions of sexual misconduct (below) include the concept of consent, this policy incorporates the Statement on Consent from the [College’s Interim Title IX Policy](#).

Report: A disclosure of any information regarding alleged identity-based discrimination or harassment to the Review Team or to any person who subsequently shares the information with the Review Team.

Severe or Pervasive: The standard for determining whether alleged conduct relating to a person’s protected identity is sufficiently severe or pervasive such that it creates a hostile academic or work environment depends on whether the complainant subjectively perceives the conduct to be intimidating, hostile or abusive and whether an objectively reasonable person in the same or similar circumstances would also find the conduct to be intimidating, hostile or abusive. Whether an environment is “hostile” is based on the totality of circumstances.

Sexual Misconduct: an incident of sexual violence, dating violence, domestic violence, gender-based violence, violence based on sexual orientation or gender identity or expression, sexual assault, sexual harassment or stalking that is not otherwise covered by the College's Interim Title IX policy. The following are prohibited forms of sexual misconduct:

Sexual Violence: Having or attempting to have sexual contact with another individual without consent. Sexual contact may include, but is not limited to: 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.

Relationship Violence: any intentionally violent or controlling behavior by a person who is currently or was previously in an emotionally, romantically, and/or physically intimate relationship with the Complainant. Relationship violence includes actual or threatened physical injury to self or others, sexual abuse, psychological abuse, economic control, displaying and/or threatening to use weapons, and/or progressive social isolation.

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.

Stalking: 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.

Contact Information:

[Angie Tissi-Gassoway](#)

Associate Dean of Students for Diversity and Inclusion

Chair of the Review Team

Amherst College

Keefe Campus Center, 203

Amherst, MA 01002

413-542-5114

atissi@amherst.edu

Massachusetts Commission Against Discrimination

1 Ashburton Place

Suite 601

Boston, MA 02018

617-994-6000

Email: mcad@mass.gov

U.S. Department of Education

Office for Civil Rights

Lyndon Baines Johnson Department of Education Bldg.

400 Maryland Avenue, SW
Washington, DC 20202-1100
Telephone: (800) 421-3481
FAX: 202-453-6012; TDD: 800-877-8339
email: OCR@ed.gov

Boston Office

Office for Civil Rights

US Department of Education
8th Floor
5 Post Office Square
Boston, MA 02109-3921
Telephone: 617-289-0111
FAX: (617) 289-0150; TDD: (800) 877-8339
Email: OCR.Boston@ed.gov

Section 30. Glossary

The responsible administrator for this section is the Office of Student Affairs. The Office of Student Affairs has approval authority.

Amherst College has defined the following terms below in addition to the terms found in Sections 2, 3, 12, 13, 24, and 25.

Adjudication: The informal or formal process through which the College resolves conflict that occurs within the Amherst community. See Sections 12, *The Community Standards Adjudication Process*, and 13, *Interim Title IX Grievance Process*, for additional information about adjudication.

Adjudicator: The person or persons designated by the College to oversee adjudication processes. This includes, but is not limited to, the Senior Associate Dean of Students, the Director of Community Standards, the Director of Residential Life, the Assistant Directors of Residential Life, the Community Standards Review Board, and the Sexual Misconduct Hearing Board. If a single person is listed as the adjudicator, that person is generally referred to as an Administrative Adjudicator.

Athletics Team: An athletic team includes any of the teams recognized by the Department of Physical Education and Athletics and any intramural sports organization.

College Council: The College Council is the body to approve and determine policy in three areas: extracurricular faculty-student relations, the review of recommendations involving the Statement of Intellectual Responsibility, and social regulations for student residential and social life. In addition, the College Council possesses power to make recommendations concerning a wide range of subjects that touch the joint interests of students, faculty, and administration.

Conflict Resolution Processes: These processes include, the Interim Community Standards Adjudication Process, and the Interim Title IX Grievance Process.

Disparagement: A verbal or written act that belittles, brings discredit to, or reproach upon another.

Intimidation: Placing another person in reasonable fear of bodily harm through 1) the use of threatening words and/or other conduct or 2) subjecting the person to actual physical attack.

Matriculate: Matriculation at Amherst College occurs when a student registers in courses.

Notice of Complaint: A written correspondence from the College that informs respondents that a complaint has been received, that an adjudication has been started, the specific sections of the Student Code of Conduct alleged to have been violated, and where to find more information about the process. The Notice of Complaint precedes the delivery of the complaint to a respondent.

Preponderance of the Evidence: The evidence standard used in Conflict Resolution Processes which is whether the information available to the adjudicator supports a finding that it is “more likely than not” that the respondent is responsible for the alleged violation(s).

Registered Student Organization (RSO): A RSO is a group of actively enrolled students at Amherst College who share a common purpose or interest. A RSO has been approved to operate by the Office of Student Activities. Additional information about Registered Student Organization can be found on the [Club and Club Recognition](#) page of the [Amherst Association of Students](#) website.

Student Group: The umbrella term for athletic teams and registered student organizations.