

**UNIVERSITY OF MARYLAND EASTERN SHORE  
STUDENT CODE OF CONDUCT**



**Division of Enrollment Management and Student Experience  
Office of Vice President  
Student Conduct and Community Standards**

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## **STUDENT CODE OF CONDUCT**

**The University of Maryland Eastern Shore Student Code of Conduct outlines rules and regulations relative to student conduct and housing. The Code is applicable to all students (on and off campus) as well as registered student organization, clubs and Greek-letter organizations.**

**It is the responsibility and the duty of every student to become acquainted with this Student Code of Conduct. Every student is presumed to have knowledge of the Student Code of Conduct and to agree to abide by the Code as a condition of his or her enrollment. Ignorance of the Code of Conduct and its provisions will not constitute a defense in any proceeding against a student. Copies of the Code of Conduct will be provided to each incoming student and will be generally available in the Offices of the Conduct Administrator, Public Safety, and the Vice President for Enrollment Management and Student Experience.**

*This edition supersedes any previously published student code of conduct or conduct code. It is intended for internal distribution and use within the University of Maryland Eastern Shore.*

## Table of Contents

Conduct Philosophy	6
Defenses	6
Authority	7
Code Review	7
Code of Student Values	8
Dress Code	8
The Clery Act	8
Reporting Crime and Incidents	8
Bystander Conduct: The Good Samaritan Practice	9
Parental Notification	9-10
Definitions	11-16
Jurisdiction	17
Conduct Authority	17
Interpretation of Regulations	18
Sanctions	18
Standards of Due Process	18
Violations of Law and Disciplinary Regulations and Accountability	18
Office of the Conduct Administrator	19
Student Responsibilities	19
Academic Responsibilities	19
Financial Responsibilities	19
Organized Group Responsibilities	19
Employment Responsibilities	20
Mediation	20
Conduct Jurisdiction	20
Composition of Conduct Board	21
Qualifications for Conduct Board Membership	21
Student Membership	21
Faculty/Staff Membership	21
Chairperson	21
Code of Ethics for the Conduct Board Members	21-22
Term of Service and Removal	22
Procedures for Filing Complaints	22
Notification of Complaint(s)	22
Investigation and Adjudication by the Conduct Administrator	23
Proceedings before the Conduct Board	23
Conducting a Hearing	22
Closed Hearings	23-24
Burden of Proof	24
Advisor	24
Witnesses	25
Character Witnesses	25

Evidence	25
Postponement of Conduct Hearings	25
Absence of the Student Charged	25
Consolidation of Cases	26
Confidentiality Standards and Records	26
Record of Hearings and Decisions	26
Records Access	26
Copy of Conduct Proceedings	26
Disciplinary Files and Records	26-27
Entering a Plea	27
Entering a Plea of “Responsible”	27
Entering a Plea of “Not Responsible”	27
Waiver of the Right to a Campus Hearing	27
Withdrawal from the University during process	28
Complainant and Victim Rights	28
Rights of the Complainant/Victim	28-29
Rights of the Accused	30
Procedures for Conducting a Hearing	30
Following the Hearing	30
Notice to the Registrar	29
Self-incrimination	30-31
Appeals Procedures	31
How to File an Appeal	31
Remedies for Appeal	32
Stay of Sanction during the Appeals Process	32
Notification Following an Appeal	32
Limitations	33
Parental Notification	33
Administrative Procedures	34
Practice and Procedures	34
President’s Right of Summary Suspension	34
Summer School	34-35
Conduct Suspensions, Expulsions, and Refunds	35
Procedures for Reinstatement Following Conduct Suspension	35
Official Withdrawal from the University	35
Search and Seizure Policy	35-36
Social Networking Policy	36
Psychological Emergences	37
Prohibited Conduct	38-49
Sanctions	50-53
Amendments to the Student Code of Conduct	54
Campus Protest Policy	55-56
Appendix	57
Interpersonal Values Statement	58
Appendix	59
Dress Code	59-62

Solicitation and Advertising Policy	59-62
Alcohol Policy	63-64
Bystander Practice: The Good Samaritan Policy	65
Smoking Policy	66-67
Campus Map with Designated Smoking Areas	68
Hazing Policy & Liability Waiver-Organization/Advisor	69
Hazing Policy & Liability Waiver- Student	70
Town of Princess Anne's Neighborhood Nuisances and Unruly Social Events Ordinance	71-72
Drug Sanctions	73
Off Campus Violations	74-75
What Is Social Media	76-77

## Conduct Philosophy

The University of Maryland Eastern Shore (UMES) is a community of scholars where students are held accountable for their actions. As individuals they enjoy basic rights; as members of our community they also accept certain responsibilities. UMES is a place where the free exchange of ideas is valued, where every person is important, and diversity is respected.

Members of the UMES community (students, faculty, administrators, staff) have come together in a voluntary association, not merely to fulfill individual responsibilities, but to contribute to the realization of the University's objectives and mission. Therefore, in the interest of maintaining order (in the University community) within the broadest range of student freedom, these rules and regulations have been established by the University of Maryland Eastern Shore to govern student conduct on and off campus.

The University's conduct process is designed to address:

- Students' behavior;
- Create a welcoming campus environment;
- Enforce university policies and procedures;
- Student related issues (e.g., student v. student and faculty v. student complaints); and
- Any behavior that is abusive, disruptive, threatening, or discriminating.

The University's conduct process is an educational tool with two main objectives: (1) to hold students accountable for unacceptable behavior; and (2) to modify those behaviors deemed unacceptable by University community standards. The process strives to address unacceptable behavior in a manner that informs and guides students towards a greater sense of personal responsibility and towards more mature and ethical standards.

It is expected that students will always act (on campus and off-campus) in a manner that reflects favorably upon themselves, their families, and the University. Should a student's behavior be found unacceptable by the Conduct Board, depending on the nature of the violation, that student may be sanctioned. Sanctions may include, but not limited to warnings, fines, probation, suspension or expulsion from the University.

The UMES Conduct System is designed to assure due process with speedy and constructive resolution of cases and controversies. **Disciplinary proceedings at UMES are not criminal proceedings**, therefore the focus of inquiry in disciplinary proceedings shall be to determine whether a student(s) has violated the UMES Student Code of Conduct. It is intended that this conduct system will operate on the principle that justice will best be served by promoting the development of self-knowledge and self-discipline expressed in socially desirable ways. Thus, a humanistic approach to discipline is employed.

### Defenses

It is common for students to try to defend their actions with excuses, such as prescription drug interactions, self-defense, disabilities, etc. The University's policy on defenses is clear. Defending your actions is admitting to a policy violation, "Yes, we fought, but he started it." This still means you had a fight, and that violates our rules. You may have taken someone's property under the

influence of an anti-depressant, but you still took someone else's property. While your defense will not excuse your actions, the conduct process will take the legitimacy of your defense into consideration in addressing the proper sanction. If you were not the aggressor in a fight, you may still be sanctioned, but your sanction may be lesser than the sanction of the person who started the fight.

### **Authority**

The authority to administer the Student Code of Conduct and its conduct system is delegated to the Vice President for Enrollment Management and Student Experience and by the President. The Vice President for Enrollment Management and Student Experience has the authority to delegate the administration of the Code to a Director of Student Conduct and Community Standards, or any other individual, board or body as deemed necessary. The Conduct Board adjudicates disputes over complaints of violations of these rules and regulations.

### **Code Review**

The Student Code of Conduct shall be reviewed bi-annually under the direction of the Vice President for Enrollment Management and Student Experience. In addition, the UMES Senate shall conduct a bi-annual review of the Student Code of Conduct and make recommendations to the Associate Vice President for Enrollment Management and Student Experience regarding omissions, clarifications, constructive changes, and other matters germane to the proper interpretation and operation of the Code. Questions of interpretation regarding the Student Code of Conduct shall be referred to the Office of the Student Conduct and Community Standards, in the Office of Student Experience. The Student Code of Conduct may, at the sole discretion of the University, be amended at any time.

## UNIVERSITY OF MARYLAND EASTERN SHORE STUDENT CODE OF CONDUCT

### **UMES Code of Student Values**

The University of Maryland Eastern Shore claims certain foundational principles of values upon which its entire existence stands. All students at the University of Maryland Eastern Shore have the duty to observe, uphold and accept these values as standards of conduct. These include honor, personal and academic integrity, mutual respect for personal and property rights of others, justice, freedom, diversity, leadership, civility, courtesy, fairness, spirituality, and loyalty to the University. We have established this Code of Student Values (*see full Interpersonal Values Statement in appendix*) which forms the model of conduct for student members of our academic community.

### **Dress Code**

The dress code is based on the theory that learning to use socially acceptable manners and selecting attire appropriate to specific occasions and activities are critical factors in the total educational process, and student development. Understanding and employing these behaviors not only improves the quality of one's affairs, but also contributes to optimum morale as well as enhances the overall campus image. These behaviors also play a major role in instilling a sense of integrity and an appreciation for values and ethics. The continuous demonstration of appropriate manners and dress ensures that University of Maryland Eastern Shore students meet the very minimum standards of quality achievement in the social, physical, moral and educational aspects of their lives - essential areas of development necessary for propelling students toward successful careers. Students may be denied admission to various functions and facilities if their manner of dress is inappropriate. On this premise students at the University of Maryland Eastern Shore are always expected to dress neatly (*see full Dress Code in appendix*).

### **The Clery Act: Reported Annually**

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, codified at 20 USC 1092 (f) as a part of the Higher Education Act of 1965, is a federal law that requires colleges and universities to disclose certain timely and annual information about campus crime and security policies. All public and private institutions of postsecondary education participating in federal student aid programs are subject to the Clery Act. The Office of Public Safety publishes a report every year by October 1st that contains three years of campus crime statistics and certain security policy statements. The report includes policies which assure basic rights to victims of sexual assault, statements pertaining to the law enforcement authority of campus police and where students should go to report crimes. Students should contact the Office of Public Safety for more information and/or to obtain a copy of the report.

### **Reporting Crime and Incidents**

Reporting crimes and incidents immediately is very important. The Office of Public Safety is manned by sworn police officers who have arrest powers. The University complements its sworn police officers with security personnel. Any occurrence that takes place on campus is to be reported immediately. Those that occur off campus should be reported as soon as possible to the Office of Public Safety.

Any victim or witness of a crime who desires to report an incident on a voluntary and confidential basis may do so through the UMES Campus Police Department, or any other member of the UMES faculty/staff. The individual's identity will be safeguarded when possible.

The University Police Department closely cooperates with the Vice Presidents for Enrollment Management and Student Experience and Administrative Affairs, and the various units within these divisions to disseminate information about safety and security matters to the campus community. This is done through newsletters, annual publications, scheduled meetings, and other appropriate forms of communications.

### **Bystander Conduct: The Good Samaritan Practice**

UMES encourages students to offer help and assistance to others in need. The purpose of this Good Samaritan Practice is to provide prompt and immediate care in a safe manner even if the student offering assistance is involved in the questionable behavior. The appropriate thing to do is to call UMES Campus Police and/or 911. After calling 911, the student(s) are to immediately contact the UMES Campus Police to assist while waiting for medical emergency professionals to arrive.

As a rule, students are expected to refrain from being in the presence of others who are violating University policies and rules. Students may be held accountable for their actions even if they are not participating in a conduct/behavioral issue that is prohibited within the campus community. Immediate action should always be taken when someone's health or safety is in danger due to drugs or alcohol consumption. Students are expected to promptly report conduct or activity which poses a danger to the community or its members.

The Good Samaritan Practice supports students who act responsibly by reaching out for assistance in the case of a medical emergency. If a student reports a drug or alcohol related medical emergency that results in the reporting student incriminating him or herself, in certain circumstances the reporting student may be given immunity under the Good Samaritan Practice and may not be subject to disciplinary sanctions. This applies only to first-time, isolated incidents and does not excuse or protect those who flagrantly or repeatedly violate the University's alcohol or drug policies.

### **Parental Notification**

The University of Maryland Eastern Shore recognizes that students, parents/guardians and the University are in a partnership in which each has the responsibility to promote a healthy and productive educational experience. The University disciplinary process exists to provide corrective action which is educational and developmental in order to protect the campus community and to maintain an environment conducive to living and learning. Violations of the Student Code of Conduct can detract from the living and learning environment. The University believes parents can assist students in fulfilling their educational goals using open dialogue.

Due to recent amendments to the Family Educational Rights and Privacy Act (FERPA) by the U.S. Department of Education, it is now permissible for the University to disclose personally identifiable information from education records without consent when the disclosure is to the parents of a student at a postsecondary institution regarding the student's violation of any Federal, State, or local law, or of any rule or policy of the institution governing the use or possession of

alcohol or a controlled substance. The school (UMES) may non-consensually disclose information under this exception if the school determines that the student has committed a disciplinary violation with respect to use or possession and the student is under 21 years of age at the time of the disclosure to the parent. In the event that a student under the age of 21 has been charged with a Code violation in which the sanction of suspension from the University is required, the parent or guardian of that student may be notified by phone or in writing by the Conduct Administrator before the conduct hearing is held. Consideration in these situations will be given to the following conditions: the violation involved harm or threat of harm to self, others or property; the violation involved an arrest in which the student was taken into custody; the violation resulted in or could result in the student being suspended from the university and/or removed from the residence halls; the student has shown a pattern of violations; the student who committed the violation became physically and/or mentally ill, and/or required medical intervention as a result of consumption of alcohol and/or drugs. The University also reserves the right to designate which college officials have “need to know” access about individual conduct complaints pursuant to the Family Educational Rights and Privacy Act.

Before notifying the parent or guardian, every effort will be made to consult with the student to have the student make the first contact. This is consistent with the general philosophy that supports students developing independence and personal accountability. However, in some situation’s consultation with the student or first contact by the student may not be possible or appropriate. In such cases, the University is not required to alert the student when it has notified his/her parent or legal guardian. In other situations, after consulting with the student, the Conduct Administrator may determine that notifying the parent/guardian may be harmful to the student and in such cases the University is not obligated to make notification. If a student under the age of 21 is found to be responsible for a violation to the Student Code of Conduct resulting in suspension from the University, the resultant sanction will include notification of the parent/guardian. Information concerning FERPA regulations, including frequently asked questions, can be found on the FERPA Website: [www.ed.gov/policy/gen/guid/fpco/index.html](http://www.ed.gov/policy/gen/guid/fpco/index.html).

The University of Maryland Eastern Shore maintains and strictly enforces a policy of zero tolerance with regards to fighting, and the possession, use, or distribution (trafficking), of illicit drugs, and the possession of dangerous weapons, firearms, and explosives. If a student is found responsible of initiating a fight, possession, use, or distribution of illicit drugs, or using an object and/or weapon while fighting with the intent to cause harm, where appropriate the sanction may include suspension from the University. Individuals who remain in the presence of persons who engage in illegal or abusive use of drugs, whether actively participating or not, will be subject to the same disciplinary action and sanctions as the offenders.

## Definitions

1. The term “**advisor**” means a person (not a parent but including an attorney) who gives information or advice to the accused student or complainant while in a conduct hearing.
2. The term “**Business Day(s)**” refers to the following five days of the week: Monday, Tuesday, Wednesday, Thursday and Friday.
3. The terms “**Campus Conduct Board,**” “**Hearing Board,**” or “**Conduct Board,**” means any board or persons authorized by the Vice President for Enrollment Management and Student Experience, or designee to determine whether a student has violated the Student Code of Conduct and to recommend imposition of sanctions.
4. The terms “**charged student**” or “**accused student**” means any student who has been charged with a violation of the Student Code of Conduct.
5. The “**Vice President for Enrollment Management and Student Experience**” designated by the University President, has primary responsibility for the administration of all student discipline.
6. The term “**Code**” refers to the University of Maryland Eastern Shore’s Student Code of Conduct.
7. The term “**witness**” refers to any individual who was present and has firsthand information regarding an incident which is an alleged violation of the Code of Conduct.
8. The terms “**charging party**” or “**complainant**” refer to the person or persons who allege violations of this Student Code of Conduct. The charging party/complainant is any individual who brings forth information indicating that a UMES student may have violated the Student Code of Conduct and who wishes to file a conduct complaint against that student.
9. The term “**victim**” refers to any individual who may have suffered any harm, or loss, or threat at the hands of a currently enrolled UMES student, resulting in a violation of the Code of Conduct. A victim does not have to serve as the complainant.
10. The term “**guest(s)**” refers to any person who is not a student or UMES employee and who is on University property for the purpose of visiting a student or UMES employee.
11. The term “**health**” refers to physical or emotional and mental well-being.

12. The Term “**Immediate Supervision**” refers to employees and students who work directly in the Office of the Vice President for Enrollment Management and Student Experience, such as secretaries, administrative assistants, and the Associate and Assistant Vice Presidents for Student Affairs, student workers, and graduate student assistants.
13. The “**Executive Director** and **Conduct Director**” are designated by the Vice President for Enrollment Management and Student Experience to administer the Student Code of Conduct. The **Executive Director** and/or **Conduct Director** may, on a case-by-case basis, investigate, mediate and settle cases where both parties agree. If an agreement between the parties cannot be reached, the **Executive Director** and/or **Conduct Director** shall assign the case to the Conduct Board for a hearing.
14. The term “**Conduct Investigator**” refers to any University official appointed by the Vice President for Enrollment Management and Student Experience, the **Executive Director** and/or **Conduct Director** to investigate violations of the Student Code of Conduct and to participate, as necessary, in conduct proceedings.
15. The term “**may**” be used in the permissive sense.
16. The term **shall** be used in the imperative sense.
17. The term “**member of the University community**” includes any person who is a student, faculty member, staff member, University official or any other person employed by the University.
18. The term “**Officer**” refers to any sworn Police Officer (including contracted, or temporary) or University security personnel, in the Office of Public Safety/University Police, who presents facts, statements, evidence and/or charges in a case during a Conduct Hearing or during cases adjudicated by the Conduct Director or **Executive Director**.
19. The term “**policy**” is defined as the written regulations of the University of Maryland Eastern Shore and University System of Maryland as found in, but not limited to, the Student Code of Conduct, the Residence Life Handbook, the Student Handbook, Graduate, Undergraduate, or Professional School Catalogs, the Athletic Handbook, the Student Organizational and Advisor’s Resource Guide and other written rules for departments and clubs.
20. The term “**possession,**” either *actual or constructive*, means having possession of a thing or object or when a person has the power to control possession of a thing or object.
21. The term “**preponderance of the evidence**” means evidence, when taken as a whole, would lead a person to conclude that it is more likely than not that the issue/conduct in question did occur.
22. The term “**restitution**” means to be held financially accountable for repayment for, or replacement of property damaged, stolen, or destroyed.

23. The term “**sanction**” refers to responses, or requirements, penalty or punishment given by the University to a student during a Conduct proceeding for violations of the Student Code of Conduct.
24. The term “**student organization**” means any group of persons who have complied with the formal requirements for University recognition and registration. The term includes any student organization, including Greek-letter organizations, registered with and recognized by the University. An “active student organization” is any student organizations, as noted in this definition, not under any conduct or academic sanctions and authorized to function per the policies of Student Experience.
25. The term “**student**” refers to any person taking a course or courses at UMES, either on a full-time or part-time basis, pursuing undergraduate, graduate, or professional studies or research, or attending post-secondary educational institutions other than the University of Maryland Eastern Shore, such as satellite campuses. It includes persons who are assigned to field placements, student teaching, study abroad and internships as well as persons who live on and off campus and who are not officially enrolled for a particular term, but who have a continuing relationship with the University. In cases of dual enrollment, jurisdiction over a student’s conduct will be determined in consultation with appropriate officials at the student’s other institution.
26. The term “**UMES Employee**” refers to any person(s) employed by the University as a faculty member, or non-faculty member, or University official employed by the University of Maryland Eastern Shore who performs assigned administrative, professional, instructional, research, contracted, or other duties.
27. The terms “**University premises**” or “**property**” include all land, buildings, facilities, and other effects or goods in the possession of, or owned, used, rented, leased, or controlled by the University of Maryland Eastern Shore, as a constituent institution of the University System of Maryland.
28. The term “**disciplinary probation**” means that a student is on formal (written) notice, and subject to special rules and regulations for a specific length of time. Disciplinary probation requires students to remain free from any kind of disciplinary trouble during the specific length of time. Any violation of University rules while on disciplinary probation may lead to more severe forms of discipline, such as suspension, dismissal, and/or expulsion. Restrictive conditions may be imposed and vary according to the severity of the offense. This may include but may not be limited to ineligibility to receive any University award, honorary recognition, or initiation into any local or national organizations. Additionally, student(s) may be denied the privilege to occupy a position of leadership or responsibility in any University student organization, publication, or activity, or ability to represent the University in an official capacity or position.
29. The term “**personal identifying information**” refers to identifying information that includes: the name, address, telephone number, driver’s license number, social security number, place of employment, employee identification number, mother’s maiden name,

bank or other financial institution account number, date of birth, personal identification number, credit card number, or other payment device numbers that will identify an individual.

30. The term “**ZERO TOLERANCE**” means the University prohibits and will adjudicate (on and or off campus) all illegal and unauthorized possession, distribution (trafficking), and/or use of illicit drugs; fights; possession of dangerous weapons, firearms, explosives, or use of any object with the intent to cause harm when a violation has occurred. The zero-tolerance policy is effective as it relates to behaviors occurring on or off-campus.
31. The term “**trespass**” refers to forcible, or unauthorized entry into, or unauthorized presence on University premises, or unauthorized entry or presence in student properties such as automobiles, lockers or residences.
32. The term “**distribution**” refers to giving, selling, or exchanging.
33. The term “**Presumptive Dismissal**” includes any disciplinary separation of a student from the University, whether for a fixed period or permanently. As such, it includes both suspensions and expulsions. Moreover, under this provision a student who is suspended may not be admitted to any other University System of Maryland (USM) institution for the term of the suspension. A student who is expelled may not be admitted to another USM institution for at least one year.
34. The term “**constructive possession**” means being in close proximity to drugs/items which can lead to conduct charges being filed or an arrest for everyone who was close enough to the drugs/items for police to conclude that the drugs/items could have been in their possession.
35. The term “**conduct process**” refers to matters of student discipline as referred to the University by anyone, and adjudicated to the Student Code of Conduct, local, state, and/or federal laws.
36. The term “**New Evidence**” shall mean evidence that was not available to the student, UMES, or not known or reasonably discoverable at the time of the hearing. In addition, the evidence must be of such a nature that it likely would have changed the Conduct Board’s recommendation.
37. The term “**Campus Restriction**” refers to restricting a student, or student organization from an event, activity, building, part of campus, or the entire campus for a pre-determined period. Restrictive conditions may be imposed and vary according to the severity of the offense, which may include, but may not be limited to: ineligibility to receive any University award, honorary recognition, or initiation into any local or national organizations, and denial of the privilege to occupy a position of leadership or responsibility in any University student organization, publication, or activity, or ability to represent the University in an official capacity or position.

38. The terms “**University activity,**” or “**University Sponsored Activity,**” or “**Event**” refers to any activity/event, which is sponsored, initiated, aided, authorized or supervised by any department or registered student organization of the University, which may be attended in part or whole by students, faculty members, staff members, or other members of the general public and conducted on or off University premises.
39. The term “**Summary Suspension**” refers to the immediate and temporary disciplinary separation of a student from the University for a period generally until a conduct hearing can be held and/or an investigation completed. Under this provision a student who is summarily suspended shall be removed from university housing, classes, and may not participate in university sponsored activities or events, eat in university dining facilities, or be on campus without written permission from the Vice President of Enrollment Management and Student Experience, the Conduct Administrator or their designee. Until and unless a student who has been summarily suspended is found to have violated the Student Code **Conduct**, his or her status as a student of the university shall not be altered.
40. The term “**University**” means the University of Maryland Eastern Shore or UMES.
41. The terms “**No Contact**” or “**No Contact Order**” is a directive that mandates that a student(s) is not to contact another student(s) in any manner including, but not limited to comments, words or gestures in person, through postal mail, e-mail, telephone, social networking sites, text messaging, or any other method of electronic or direct communication. The order also includes having others (friends, acquaintances, family members etc.) act on a person's behalf. Any such contact could be considered a violation of the Student Code of Conduct and could be grounds for further action under the Code.
42. The terms “**Pre-Hearing,**” or “**Pre-Hearing Conference**” refers to the first step in the conduct process following the filing of the alleged charge(s)/violation(s). The Conduct Administrator or designee reviews and explains the alleged charge(s), Code violation(s), and the conduct hearing process, rights and responsibility of the student. If a student accepts responsibility for the violation(s), the case is forwarded to an administrative hearing. If a student denies responsibility for the violation(s) the case is schedule as a hearing before the Conduct Board. During the Pre-hearing Conference, students are encouraged to ask questions concerning all charges against them as well as options available within the conduct system.
43. The term “**Behavioral Assessment Team**” or “**CARE.**” refers to a group of administrators and professional staff who address disruptive and/or psychological stress and/or disturbances experienced by students. CARE. serves as a central network focused on preventive and timely crisis intervention.
44. The term “**Self-defense**” refers to the use of force against another to the degree a person reasonably believes the force is immediately necessary to protect himself or herself from harm. No student can be the initiator of a fight and claim self-defense in an expectation of not being found responsible of a violation of the Code.

45. The term “**Under the influence**” means lacking the normal use of mental or physical faculties. Impairment of a person’s physical or mental faculties may be evidenced by a pattern of abnormal or erratic behavior, the presence of physical symptoms of drug or alcohol use, or by admission.
46. The term “**investigation**” means the follow through on a complaint to ascertain details and circumstances associated with the complaint. Investigations may result in conduct, criminal or civil *charges*, a form of alternative dispute resolution, or dismissal of complaint. This determination is made at the sole discretion of the Vice President for Enrollment Management and Student Experience, the Conduct Administrator or designee.
47. The term “**Traffic obstruction,**” refers to any obstruction or act of obstructing of the free flow of pedestrian or vehicular traffic on University premises or at University-sponsored or supervised events/activities.

## **STUDENT CODE OF CONDUCT**

### **Jurisdiction**

The University of Maryland Eastern Shore (UMES) reserves the right to take necessary and appropriate action to protect the safety and welfare of UMES students, faculty, staff and University property. The University's jurisdiction in the administration of the Code of Conduct applies to all enrolled part time, full time undergraduate and graduate students while they are on premises owned, rented or leased by UMES, on streets running through or adjacent to the campus, in off-campus facilities occupied by students by virtue of their association with an organization recognized by UMES, or while on University-sponsored events. Disciplinary action may be taken against a student for off-campus conduct that seriously threatens the safety and welfare of other UMES students, faculty, staff, or property as determined by University officials (Administrators, Campus Public Safety, faculty or staff). This action is necessary when the conduct impairs, interferes with or obstructs any activity or the mission, processes, and functions of the University. In addition, disciplinary action may be taken based on any conduct on/or off campus Code violation that poses a threat to any person(s) or property within the University community. The Vice President for Enrollment Management and Student Experience and/or the Conduct Administrator shall decide if disciplinary action shall be taken for off-campus conduct on a case-by-case basis at their sole discretion. In the case of University-sponsored off-campus events, conduct related incidents will be treated as if the event took place on campus and thus are governed by the Student Code of Conduct.

Students are responsible to both civil and criminal authorities and to the University for conduct that constitutes violations of local, State, and federal law and of the Student Code of Conduct/University regulations. A violation of the Code of Conduct may result in criminal or civil charges as well as a University conduct (disciplinary) action. Unless otherwise provided by law, University conduct proceedings may occur simultaneously with or following criminal and/or civil proceedings. Conduct outcomes including findings of responsibility and sanctions shall not be subject to change because of criminal or civil outcomes. Students are subject to disciplinary action, up to and including expulsion for violations of the Student Code of Conduct.

Persons who are not members of the University community, who violate University policies, community standards, and or federal and or state law are subject to being barred (trespassed) from all University-owned, and operated property, and all university-sponsored events.

### **Conduct Authority**

Ultimate authority for student discipline is vested in the President. The Vice President for Enrollment Management and Student Experience is the person designated by the President to be responsible for the administration of the Student Code of Conduct. Discipline authority may be delegated to University officials and committees as set forth in this Code, in accordance with other University policies, rules, or regulations, and as deemed appropriate by the Vice President for Enrollment Management and Student Experience.

### **Interpretation of Regulations**

The Student Code of Conduct is intended to give students general notice of prohibited conduct. The Student Code of Conduct should be read broadly and is not designed to define misconduct in exhaustive terms.

### **Sanctions**

Sanctions must be completed (served) in their entirety, as ordered, affirmed, or modified on appeal. Students who have been suspended from the University will not be granted an early return to the university prior to the successful completion of their conduct/disciplinary sanction.

Sanctions are intended to accomplish educational goals. These goals are considered when developing sanctions. The goals are:

- To provide an opportunity for the student to learn from the experience.
- To motivate the student toward making better choices and decisions.
- To offer the student an opportunity to rectify the mistake.
- To reinforce University expectations regarding appropriate behavior.
- To educate the student on how inappropriate behavior impacts others in the University community.
- To protect the University community from persons who may harm others or themselves.
- To educate the student as to how inappropriate behavior impacts him/her.
- To emphasize civility and civil behavior.
- To instruct students in how to settle conflicts appropriately.
- To ensure conflict does not interfere with the educational mission of the University.

### **Standards of Due Process**

Disciplinary proceedings at UMES are not criminal proceedings, therefore the focus of inquiry in disciplinary proceedings shall be to determine whether a student(s) has violated the Student Code of Conduct, and do not require the same standards of procedural due process as do criminal proceedings. However, the substance and spirit of a fair and impartial hearing are reflected in the procedures of the UMES hearing. The focus of inquiry in disciplinary proceedings shall be to determine whether or not the accused student has violated the Student Code of Conduct as proven by a preponderance of the evidence (which would lead a person to conclude that it is more likely than not that the conduct in question did occur). Formal rules of evidence shall not be applicable nor shall deviations from prescribed procedures necessarily invalidate a decision or proceeding unless significant prejudice to a student respondent or the university may result.

### **Violations of Law, Disciplinary Regulations and Accountability**

Students may be accountable to both civil authorities and to the University for their conduct. When attending the University of Maryland Eastern Shore, students are expected to obey applicable federal, state, and local laws, or laws of a foreign country, if the student is out of the country at the time of the conduct, which is the subject of the violation. A student is also expected to obey the rules and regulations in the Student Code of Conduct and other University policies. Disciplinary action at the University will normally proceed despite the pendency of criminal proceedings. Disciplinary action under this Student Code of Conduct is not subject to challenge on the grounds that criminal charges involving the same incident have been dismissed or reduced.

### **Office of the Conduct Administrator**

The Conduct Administrator is appointed by the Vice President for **Enrollment Management and Student Experience** and is responsible for the administration of the UMES Conduct System and Code. The Executive Director shall appoint a Director of Student Conduct. The Conduct Administrator nor the Director of Student Conduct are voting members of the Conduct Board. During hearings, the Conduct Director or Administrator may raise questions or provide expert advice on procedural matters for the purpose of clarity on issues relevant to the Code. The Conduct Administrator and/or the Director of Conduct may adjudicate or mediate any case, provided the complainant and the accused student agree to the adjudication/mediation. In addition, the Conduct Administrator and/or Director are responsible for having notice of complaints or charges served, scheduling hearings, maintaining files and/or records of conduct matters, and maintaining order at hearings of the Conduct Board.

After receiving the Board's recommendations, the Conduct Director will review the related hearing records, and write the final and official University decision. The Conduct Administrator may also refer notice and/or evidence of any act, which allegedly violates federal, state, or local laws, to appropriate law enforcement or civic authorities. The Director of Public Safety of the University shall inform the Vice President for **Enrollment Management and Student Experience** of the referral of any student for an alleged violation of any federal, state, or local law.

### **Student Responsibilities**

All UMES students share the following responsibilities:

- To read, become acquainted with, and adhere to the Code;
- To respect personal and property rights of others and to act in a responsible manner always, on and off campus;
- To protect and foster the intellectual, academic, research, cultural, and social missions of the University; and
- To observe the laws of local, state and federal governments and agencies.

### **Academic Responsibility**

The responsibility of students for academic achievement is specified in the University catalog. Student grievances over this responsibility are resolved through academic rather than conduct proceedings. Complaints involving grades, plagiarism, cheating, or other academic issues are also resolved through academic proceedings which can be found in the University catalog and academic departments.

### **Financial Responsibilities**

Disputes over the amounts owed by the student to the University for tuition, room and board, financial aid or other charges are not subject to this Student Code of Conduct and are resolved through administrative, and, if necessary, the legal process.

### **Organized Group Responsibilities**

Policies and regulations which relate to the responsibilities of fraternities, sororities, registered student organizations and other groups are established by the agencies which register, accept, or charter such groups. As a condition of being recognized by the University, all such groups and their officers and members are responsible for conforming to this Student Code of Conduct.

### **Employment Responsibilities**

Generally, matters or disputes arising out of an employment relationship between a student and the University are handled through the University's Department of Human Resources.

### **Mediation**

This procedure is implemented by the Office of Enrollment Management and Student Experience, Conduct Administrator, or his/her delegate, and is generally reserved for first and less serious violations. It is employed when a violation arises out of a dispute between students and another party or parties. The goal is to design a mechanism to resolve the dispute and to prevent it from recurring. In cases where expulsion or suspension from the University is not contemplated as a sanction, and where there are no pending charges in any criminal court, the parties involved in a dispute or an alleged violation of the Code of Conduct may agree to enter into a formal mediation process through the Office of the Conduct Administrator. In cases where there is no agreement among the parties about seeking mediation, formal disciplinary procedures will be employed. The results of a mediation conference do not become part of a student's official disciplinary record, but a record is kept of the findings and agreements reached. The following conditions must be accepted by the parties:

- All parties involved must agree to the mediation process;
- The resolution that results from the mediation process will be written, must be signed by all parties, and will bind the parties to abide by the agreed terms until such terms are completed, or an alternative agreement is developed and agreed by the parties;
- The agreement reached through mediation is not subject to any appeals process; and
- If no form of resolution can be determined by mutual consent, the Conduct Administrator or mediator may recommend that the matter be referred to adjudication.

### **Conduct Jurisdiction**

The authority to administer the Student Code of Conduct and its conduct system is delegated to the Vice President for Enrollment Management and Student Experience by the President. The Vice President for Enrollment Management and Student Experience has the authority to delegate the administration of the Code to a Conduct Administrator and Director of Student Conduct or any other individual, board or body as deemed necessary. Decisions made by Conduct Administration and/or the Conduct Board shall be final pending the outlined appeal process as provided herein. The University's jurisdiction in the administration of the Code of Conduct applies to all enrolled part time, full time undergraduate and graduate students while they are on premises owned, rented or leased by UMES, on streets running through or adjacent to the campus, in off-campus facilities occupied by students by virtue of their association with an organization recognized by UMES or while on University-sponsored events.

### **Composition of Conduct Board**

**Composition:** The Conduct Board shall be composed of five (5) members none of whom will be under the immediate supervision of the Vice President for Enrollment Management and Student Experience. Three members shall be students recommended to the Conduct Administrator by the President of the Student Government Association. Two members of the Conduct Board shall be UMES employees appointed by the Conduct Administrator. The Conduct Administrator shall

designate a chairperson. A quorum shall consist of any three (3) members of the Board. A special panel consisting of students, faculty, and staff members shall be appointed to provide alternate members in the event a committee cannot be filled.

### **Qualifications for Conduct Board Membership**

**Student Membership:** To be a member of the Conduct Board, a student must possess the following minimum qualifications:

- The student must be currently enrolled at the University of Maryland Eastern Shore on a full-time basis.
- The student may not be on conduct probation at any time during his/her tenure as a Board member.
- The student may not be an elected officer of the Student Government Association, Pan Hellenic Council, UMES Senate, or be employed as a University Police Officer.
- The student may not be a member of any other conduct body on the campus.
- The student must be in good academic standing.

**Faculty/Staff Membership:** To be eligible to sit as a faculty/staff member of the Conduct Board, one should meet the following minimum qualifications:

- The faculty/staff member may not be elected members of the UMES Senate.
- The faculty/staff member may not be members of any other conduct body on the campus.

**Chairperson:** To be eligible to sit as Chairperson of the Conduct Board, one must be a faculty member, staff member, or administrator.

- The Chairperson shall be appointed by the Conduct Administrator, with the approval of the Vice President for Enrollment Management and Student Experience.

### **Code of Ethics for Conduct Board Members**

Members of the Conduct Board are always expected to maintain the highest ethical standards. Conduct Board members shall adhere to the following code of ethics:

- A member's public and official behavior should be professional and free from impropriety or the appearance of impropriety;
- No hearing, pending or otherwise, before the Conduct Board should be mentioned or discussed by any member except when the Board has convened to consider that case;
- No member should hear or entertain the merits of, or pre-judge a case, except when sitting as a member of the Board to hear or consider that case;
- No member should be swayed by partisan demands, public clamor, consideration of personal popularity or notoriety, nor be apprehensive of unjust criticism;
- A member should use his/her discretion and disqualify him/herself from a case where there may be a conflict of interest or where he/she may have some involvement as a witness or as a complainant;
- A member shall always maintain decorum during conduct hearings;
- A member shall be professionally attired during all conduct hearings;
- A member shall make fair, objective, and accurate judgments based on the best available information;

- Any member of the Board who comes before the Board and is found responsible of violating this Student Code of Conduct or Human Resource Employment Policy shall be immediately discharged from the Board.

### **Term of Service and Removal**

- A member can be removed for any valid reason by a 2/3 vote of the Campus Conduct Board and a written recommendation from the Board to the Conduct Administrator.
- Student members of the Conduct Board who are charged with a violation of this Code or with a criminal offense may be suspended from the Board by the Conduct Administrator pending the outcome of the charges against them. Students convicted of violations or offenses may be disqualified from any further participation on the university Conduct Board.
- Faculty/staff members of the Conduct Board who are charged with a violation of Human Resource Policy or with a criminal offense may be suspended from the Board by the Conduct Administrator pending the outcome of the charges against them.
- Members shall serve for one calendar year and are eligible for reappointment not to exceed three consecutive years.
- A member can be removed for any valid reason by the Vice President for Enrollment Management and Student Experience and/or the Conduct Administrator.

### **Procedures for Filing Complaints**

Any member of the University community may file a written complaint against a student for violation of the Student Code of Conduct. The complaint shall be filed with the Office of the Conduct Administrator using the prepared Conduct Complaint Form. The complaint shall contain the following information:

- the name and address of the person filing the complaint, the name and address of the student against whom the complaint is filed, and the date on which the complaint was filed;
- a short, clear statement of the conduct that is at issue with an explanation as to how that conduct violates the Student Code of Conduct; to the extent available, this statement should include the date, time, place of the conduct at issue, and the names of any witness who may have observed the conduct;
- a request for judgment or the relief desired, if any; and,

In more extreme matters, a written complaint and charges shall be filed with the Office of Public Safety/University Police. University Police will investigate, and if warranted at their discretion, pursue the matter either through the University conduct process and/or criminally.

### **Notification of Complaint**

A copy of the complaint shall be served in person or by first class, certified mail, or overnight service upon each accused student by an appropriate University administrator, official, or by a recognized postal service. This will be done within seven (7) days to include Saturday and Sunday after the complaint is received by the Conduct Administrator. If a student cannot be reached/served at his/her address on file, notification shall be attempted by contacting the student via his/her telephone number on record. A written record shall be made of the fact and date of service.

**Investigation and Adjudication by the Conduct Administrator**

The Conduct Administrator may investigate to determine if a complaint has any merit and/or to determine if it can be resolved administratively by written mutual consent of the parties involved on a basis acceptable to the Conduct Administrator. Such disposition is final and there are no subsequent proceedings. If the complaint cannot be resolved by mutual consent, the case shall be presented to the Conduct Board for a hearing. Complaints involving criminal violations will be given to University Police for an investigation and processing.

**Proceedings before the Conduct Board**

In all cases where the Conduct Board considers if a student's conduct has violated the Code, a quorum of three (3) members must be present. The Conduct Board members will vote to find an accused student responsible or not responsible following deliberations. The Conduct Director/Administrator does not vote. A simple majority of the member's present shall be required to find an accused student responsible or not responsible of Code violations.

**Conducting a Hearing**

The hearing shall be conducted in such a manner that is fundamentally fair and shall not be restricted unduly by rules of civil or criminal procedures or evidence. Evidence not directly related to the matter at hand will not be considered for review. It is the responsibility of the Chairperson of a hearing board to rule on the admissibility of evidence and on relevant and irrelevant matters. The focus of inquiry in disciplinary proceedings shall be whether the accused person was in violation of a community expectation and/or the Code of Conduct. Formal civil or criminal rules of evidence are not applicable; nor shall deviations from prescribed institutional procedures necessarily invalidate a decision or proceeding. This is applicable unless significant prejudice to a student respondent or the University results from those deviations.

The chairperson of the Conduct Board is responsible for conducting the hearing and controlling the order of proceedings. All persons involved in a hearing are expected to maintain the confidentiality of information disclosed during the hearing. All hearings shall be closed unless otherwise designated by the Conduct Director/Administrator.

In all proceedings, the accused student is presumed not responsible (not guilty) until a violation of the Student Code of Conduct is proved by a preponderance of the evidence. The burden of proof rests on the complainant.

The accused student and the complainant may attend the Conduct Board hearing, either in person or by telephone. The accused student and complainant may present his or her version of the facts through oral and written statements, including those of witnesses, and may hear all evidence presented. The accused student and complainant may be permitted to question adverse witnesses personally, or by directing questions for the witnesses to the Conduct Board, who will then direct the questions to the witness, as appropriate.

**Closed Hearings**

All hearings are closed to anyone other than those persons directly involved unless the Conduct Administrator determines otherwise. Parents may not attend conduct hearings. Proceedings of the board are confidential.

Closed hearings may include only the following individuals:

- Accused student
- Advisor
- Accused student's attorney (at the discretion of the Conduct Administrator)
- Witnesses when called
- Conduct Board chairperson
- Conduct Board members
- University Presenter (UMES member presenting the case)
- Victim/Witness Advocate (at the discretion of the Conduct Administrator)
- Victim (may be present throughout the entire hearing)

### **Burden of Proof**

The focus of inquiry in conduct disciplinary proceedings shall be to determine whether a student(s) has violated the University Student Code of Conduct. The victim/complainant has the burden of proof to establish the responsibility by a preponderance of the evidence. Formal rules of evidence shall not be applicable. Deviations from prescribed procedures shall not invalidate a decision or proceeding unless, in the opinion of the Conduct Administrator or Conduct Chairperson, significant prejudice to a student respondent resulted from the deviation. The accused should be prepared to respond to charges and evidence presented against him/her with documents and/or witnesses as appropriate.

### **Advisor**

The accused student and complainant may be assisted at the hearing by an advisor of his/her choice. Except in cases where the accused student is subject to pending criminal charges which arise from the same conduct for which the Student Code of Conduct complaint is filed, only non-lawyer members of the University community are eligible to serve as an advisor. In cases where the accused student is subject to pending criminal charges, the accused student may consult with his or her lawyer in order to safeguard the student's Fifth Amendment right against self-incrimination. In all cases, the advisor (or lawyer as permitted above) plays a limited role and will not be permitted to present evidence, testimony or argument, cross-examine witnesses, nor in any way interfere with the proceedings. The advisor may not be a witness or a charged student in the same alleged misconduct/incident. The advisor may address the Conduct Board only at the request of the Conduct Board, the Conduct Administrator or Director.

Persons and representatives who participate in disciplinary hearings shall not:

1. Engage in conduct to disrupt a hearing;
2. Attempt to improperly influence the Conduct Administrator, Director, or any member of a Conduct Board;
3. Fail to obey a reasonably definite and specific order by a presiding officer;
4. Knowingly offer false evidence, falsify evidence, counsel or induce witnesses to testify falsely, or offer improper inducements to testify.

Representatives found responsible for violations of the provisions of this section of the Code may be suspended from the privilege of representation.

**Witnesses**

The accused and complainant may call all persons with direct knowledge of the incident to appear as witnesses. However, the Conduct Board may limit the number of witnesses when it is apparent that all witnesses are giving the same testimony. Persons accused of the same violation of the Code may appear as witnesses for each other.

**Character Witnesses**

A University hearing is a review of facts and circumstances pertaining to specific allegations resulting from a reported incident or series of incidents, not an assessment of an individual's overall character. Good character is presumed and as such, character witnesses are of little value to the process and are generally not permitted to testify. A charged student may have a character witness submit a letter of reference that may be considered during the sanctioning process.

**Evidence**

The technical rules of evidence do not apply in Conduct Board hearings. The Conduct Board may consider any evidence including hearsay evidence that it determines is probative, relevant, or material to the case. It may exclude evidence that is irrelevant, immaterial, or repetitious. In the absence of the investigating officer, any member of the Office of Public Safety may present a case on behalf of the University.

**Postponement of Conduct Hearings**

The accused or complainant student may request a one-time postponement for reasonable cause when it has been determined that there is a compelling reason for the delay. A request for a postponement for reasonable cause must be made in writing, include supporting rationale, and be received by the Director of Student Conduct and Community Standards or designee at least three (3) business days before the scheduled hearing. If granted, the Director of Student Conduct and Community Standards or designee will set a new date within seven (7) business days of the original hearing date and notify all parties involved in writing. Further requests for postponement will not be considered and a hearing may be held in the absence of the charged/accused student with the accuser present.

**Absence of the Student Charged**

If the accused student does not appear in person or provide a satisfactory explanation of their absence, or should the accused student leave a hearing that has already commenced, the hearing shall proceed without the accused student. The Conduct Board will render a decision based upon the available evidence and forward that decision to the Director of Student Conduct and Community Standards. No indictment of sanctions will be based solely upon the failure of the accused to answer the charges. In the event of the refusal of the accused student to appear at the hearing, the evidence in support of the charges will be presented, considered and a recommendation of sanction(s) will be made by the Conduct Board on the existing relevant evidence presented at the hearing. If a victim withdraws his or her complaint or refuses to offer statements during a disciplinary proceeding, the University reserves the right to proceed with a disposition of the allegations consistent with this Code at its discretion.

**Consolidation of Cases**

In situations in which a student has more than one conduct hearing pending, the cases may be consolidated at the discretion of the Director of Student Conduct and Community Standards and considered together at a single hearing.

**Confidentiality Standards and Records – Policy/Procedures**

All proceedings under the Code are confidential. All proceedings and all documents generated by the process form a part of the charged student's records and are, therefore, confidential under the federal Family Educational Rights and Privacy Act (FERPA). Participants in the process, including the charged, the complainant, witnesses, hearing board members, and staff members are advised to preserve the confidentiality of all proceedings and all documents under this Code. Any breach of the confidentiality may subject the responsible party to charges under this Code. Board members who breach this provision may be removed from the Board.

**Record of Hearings and Decisions**

A tape recording will be made of each hearing. If a recording malfunction occurs, the Director of Student Conduct and Community Standards and/or the Board Chairperson shall include a summary of the testimony sufficiently detailed to permit review on appeal. All records of the hearing, including evidence presented, are the property of the University of Maryland Eastern Shore and may be disclosed as permitted by law. No board member or any person appearing before the board may make a personal recording of the proceedings. Cell phones and other personal recording devices must always remain off during conduct hearings. Violators will have their phones and/or other recording devices confiscated and returned at the end of the proceedings. A Board member may be dismissed from the Board for a breach of this provision.

**Records Access** as permitted by law, the charged student(s) and complainant(s) may have reasonable access to all the relevant case records that are maintained by the Director of Student Conduct and Community Standards prior to the hearing. The records and/or documents prepared by the Director of Student Conduct and Community Standards and submitted during the hearing, as well as the statements given, will constitute the record of the Board or the Director of Student Conduct and Community Standards.

**Copy of Conduct Proceedings**

An accused or complainant student may obtain a copy of the taped proceedings. Request forms can be obtained from the Office of the Director of Student Conduct and Community Standards. Please note that it may take up to five business days for the tape(s) to be copied and made available.

**Disciplinary Files and Records**

The Director of Student Conduct and Community Standards shall maintain conduct records and a disciplinary tracking system, which shall include, but not be limited to, the accused student's name and related information, description of the incident, parties involved, Code violations, sanctions, and other data deemed relevant. Such information shall be maintained in accordance with the provisions of the Federal Educational Rights and Privacy Act. Disciplinary records shall be made available to conduct bodies and University officials designated in the Code as necessary.

Students may arrange to review their own disciplinary records by contacting the Office of the Vice President for Enrollment Management and Student Experience. Except as provided in the Student Code, pursuant to a lawfully issued subpoena or pursuant to any other lawful order, the University shall not communicate a student's disciplinary record and related information to any person or agency without the prior written consent of the student.

Upon graduation, the student's confidential record may be expunged of disciplinary actions, other than Disciplinary Suspension or Dismissal, upon application to the Vice President for Enrollment Management and Student Experience. Otherwise, the confidential record will be retained for a period of six years after the student's date of graduation. Cases involving Disciplinary Suspension or Dismissal will be retained permanently and may only be expunged upon successful application to the Vice President for Enrollment Management and Student Experience.

### **Entering a Plea**

Prior to the start of a hearing, the accused student will be asked to enter his/her plea as "Responsible" or "Not Responsible."

If an accused student enters a plea of "**Responsible**" after reading the charges, the Board will not hear testimony from the accused student or the complainant. The Board will ask the accused to present an oral statement to the Board regarding factors that necessitate disciplinary action. The same opportunity to make an oral statement to the Board will be afforded to the complainant and/or victim regarding circumstances that he/she feels the Board should consider when deliberating. Following the statements, non-Board members will be dismissed from the proceedings and the Board will review and consider all character/reference letters presented for consideration prior to deliberation. The accused will be sanctioned in accordance with the Code of Conduct, including but not limited to suspension and/or expulsion from the University. The accused and complainant will receive written notification of the sanction(s) as provided in the Code. *NOTE: Students who enter a plea of "responsible" forfeit their right to appeal the outcome of their hearing.*

If a student enters a plea "**Not Responsible**" after reading the charges, the board will hear testimony from the accused student and the complainant. As provided in the Code, the accused student, the victim, and the complainant may give testimony and question witnesses. After hearing all witnesses, the Board will ask the accused student, the victim and complainant for final statements. Following the statements, the accused, complainant, victim, and witnesses will be dismissed from the proceedings (but shall remain in the immediate area of the hearing should the Board decide to recall someone to clarify a point of testimony) while the Board deliberates. The accused student, victim and complainant will receive written notification of the sanction(s) as provided in the Code within a 24-hour period.

### **Waiver of the Right to a Campus Hearing**

All charged students have a right to a conduct hearing before the Conduct Board to determine whether they are responsible or not responsible of the charge(s)/violation(s) filed. Charged students also have a right to waive their right to a conduct hearing and plead responsible, by completing the "*Waiver of the Right to a Campus Hearing*" form. Students who waive their right to a hearing and plead responsible will be sanctioned in accordance with the Code of Conduct, including but not limited to suspension and/or expulsion from the university. Waiving the right to

a hearing and pleading responsible does not mean that a student will receive a more lenient sanction. Students who waive their right to a hearing and plead responsible will have an opportunity to present an oral statement to the Conduct Board or to the Conduct Administrator regarding factors that compel disciplinary action. Once a student has waived his/her right to a hearing, witnesses will not be heard. Students waiving his/her right to a hearing will eliminate his/her opportunity to appeal the decision of the Conduct Board or the Conduct Administrator. In the event of waiver of rights to a hearing, the decision is final. The accused student, victim, and complainant will receive written notification of the sanction(s) as provided in the Code.

### **Withdrawal from the University during process**

The Conduct Administrator may notify a charged party who withdraws from the University after oral or written notification that an alleged violation is under investigation and that a hold will be placed on his or her academic record and transcript. Before the Conduct Administrator places a notation on the transcript, the student will be notified in writing and given an opportunity to meet with the Conduct Administrator or designee to discuss the violation and pending action. The Conduct Administrator will remove the notation if the student resolves the matter through one of the two Conduct processes. A student who withdraws from the university during the process, to avoid a hearing, may not be readmitted/reinstated, or have, access to his/her academic records until the conduct matter has been resolved.

### **Complainant and Victim Rights**

Students who are the victims of violations of the Code shall be provided with rights in the disciplinary process. Typically, the victim's input shall be sought during the disciplinary process; however, the right and responsibility for disposition of any individual complaint is reserved by the University. If a victim withdraws his or her complaint or refuses to offer statements during a disciplinary proceeding, the University reserves the right to proceed with a disposition of the allegations consistent with this Code at its discretion.

1. **Rights of the Complainant/Victim:** The victim shall be advised in writing of the time and place of the disciplinary hearing at least three (3) business days in advance.
2. The victim shall be given an opportunity to submit a written account of the alleged incident.
3. The victim shall have the right to be accompanied at all stages of the discipline process by an advisor (advocate or counsel) as outlined in the Code, whose participation shall be limited to advising the victim. The advisor (advocate or counsel) may not conduct direct or cross-examination, make opening or closing statements, or engage in testimony.
4. The victim shall have the right to review all materials prior to the hearing.
5. The victim shall have the right to a timely hearing.
6. The victim may be present during the entire hearing and participate as a witness during the hearing.
7. The victim shall have the right to question witnesses and/or evidence.
8. In the event the case involves a sexual violation, the victim has the right to have her/his sexual history kept private.
9. The victim may reserve the right to decline to participate during a conduct hearing, with the knowledge that such action could potentially result in dismissal of allegations of University Code violations for lack of evidence.

10. The victim shall be notified of the outcome of the conduct hearing process unless the victim requests not to be notified of such. The notification will include the finding of responsibility and any resulting sanctions.

### **Rights of the Accused**

1. The accused (charged) shall have the right to be present at the hearing and hear all testimony presented. If an accused student who has been properly notified fails to appear at the scheduled date, time, and place for the hearing, the Board may proceed with the case and make its recommendations in the student's absence.
2. Prior to the hearing, the accused shall be provided the names of witnesses whom the Conduct Administrator has asked to appear at the hearing.
3. The accused shall be afforded an opportunity to question witnesses in accordance with the rules.
4. The accused shall have the right to review all materials prior to the hearing.
5. The accused shall be afforded an opportunity to present evidence in accordance with the rules.
6. The accused may remain silent or testify during the formal hearing (silence will not be used against the accused in any way).
7. The accused will be advised that written or taped (at the discretion of the Conduct Administrator) record of the hearing is being maintained.
8. The accused has the right to know that the hearing is closed.
9. The accused shall be afforded an opportunity to plead responsible (guilty) or not responsible (not guilty) to the charges.
10. The accused shall have the right to consult with counsel of choice (including an attorney who may advise, but not speak at the hearing); counsel whose participation shall be limited to advising the accused. Counsel may not conduct direct or cross-examination, make opening or closing statements, or engage in testimony.
11. The accused shall have the right to appeal a sanction(s) rendered by the Conduct Board, or the Conduct Administrator/Director, under the provisions for filing appeals. *NOTE: Students who enter a plea of "responsible" (guilty) or waive their right to a hearing, forfeit their right to appeal the decision/sanction or outcome of their hearing.*
12. The accused will be advised that a decision by the Board will be based solely on a preponderance of the evidence presented during the hearing.

### **Procedures for Conducting a Hearing**

Rules of common courtesy and decency shall always be observed during a conduct hearing and will usually follow this outline. Exceptions may occur when deemed necessary by the Conduct Director or Board and where the change will not deny the student due process.

1. An introduction of persons assembled in the hearing room.
2. Confirmation of receipt of charges.
3. Charges will be read into the record.
4. Accused student will be asked to enter a plea.
5. The Conduct Chairperson will direct the line of questioning to include: the complainant, victim, accused and witnesses.
6. Closing statements by the complainant, victim and accused.
7. The complainant, victim, accused, witnesses and advocates will be dismissed from the hearing room that the Conduct Board may begin its deliberations.

### **Following the Hearing**

After deliberating, the Board will promptly notify the Conduct Administrator of its findings and as to whether the accused student violated the Student Code of Conduct. If responsible, the Conduct Board will decide disciplinary action/sanctions, and send same to the Conduct Administrator. The Board may take into consideration prior findings of Code violations when determining sanctions.

The Conduct Administrator, after receiving the Board's decisions, will review the related hearing records, and write the final and official University decision. The Conduct Administrator will notify the accused student within three (3) days in writing of the Board's final decision, including any findings as to whether the accused student violated the student Code of Conduct and any disciplinary action imposed. The Board's decision may be retrieved by the student or delivered to the student by a member of the Office of Public Safety, or mailed to the student via first class, or certified mail. Information about the Board's final decision and any disciplinary action taken may be disclosed to the complainant and to third parties, as permitted by law.

### **Notice to the Registrar**

The Conduct Administrator shall notify the Office of the Registrar and other appropriate administrative offices, if a conduct finding results in a sanction restricting a student from being enrolled, or continuing enrollment at the university, withholding or recording grades, official transcripts, or a degree, during the period in which the sanction is imposed.

### **Self-incrimination**

All parties giving testimony (accused, witnesses, and/or complainant) before the Board are advised

that self-incriminating testimony (admitting to or acknowledging a crime or a violation of the Code) can be used against the student including, but not limited to filing charges (campus conduct, civil, or criminal prosecution) against them at a later date.

### **Appeals Procedures**

An appeal is defined as a written request for review of the original case. The burden is on the appealing student to demonstrate, in writing, why the finding or sanction should be altered. Sanctions are not applied until the appeal has been answered. Once the appeal is answered the decision is final.

The Conduct Administrator serves as the appellate officer. The Conduct Administrator shall make an initial determination as to whether enough grounds exist for an appeal, based upon the standard outlined in the Code. Appeals that do not allege enough grounds shall be denied consideration and shall be dismissed. Appeals that demonstrate enough grounds shall be accepted for consideration.

It is not the function of the appeals process to permit a rehearing of the factual issues presented to the conduct body, but rather it is to ensure that the disciplinary procedure has been implemented fairly and consistently with this Code. If it is found during the appeals process that disciplinary procedure was not implemented fairly and consistently with this Code, a stay in the sanction will be ordered and appeals officer may apply one of the five conditions under the section; “Remedies for Appeal.” Only students who have attended and participated in their disciplinary hearing have the right to appeal. Appeals shall be decided upon the record of the original hearing, the disciplinary record, and the written appeal request of the accused student. Each case may be appealed only once. Therefore, the finding of the designated appeal board is final and binding. *NOTE: Students who enter a plea of “responsible” or waived their right to a hearing, forfeit the right to appeal the decision/sanction of their hearing.*

### **How to File an Appeal**

A written appeal stating the specific grounds upon which the appeal is based, including specific details supporting the appeal, must be addressed to the Vice President for Enrollment Management and Student Experience or his/her designee within **three (3) business days** subsequent to receiving notice of the decision/sanction. The day the decision is given is considered the first day of the appeal period. Appeals submitted after the third business day will not be accepted.

The Vice President for Enrollment Management and Student Experience or his/her designee will review the notice of charges, the appeal letter, the hearing record, and the Conduct Board’s recommendation(s) and will issue a timely response. Failure to appeal within the allotted time will render the original decision final. The decision of the Vice President for Enrollment Management and Student Experience or his/her designate is final. The appeal shall be in writing and must include the following information:

1. The specific grounds for appeal;
2. Supporting arguments, witnesses, and documents; and
3. Other relevant information the student wishes to include.

Appeals which do not provide enough written grounds based on the requirements for filing an appeal shall be denied consideration and dismissed. The only basis for considering an appeal is the presentation of facts by the accused which demonstrate:

1. The existence of procedural errors so substantial that it greatly impacted the findings, responsibility determination, and/or the ultimate outcomes that effectively precluded a fundamentally fair hearing;
2. Significant and new evidence is discovered or made available which was not available at the hearing which will substantially alter the decision as to whether the accused student violated the Student Code of Conduct;
3. Sanctions are unduly harsh or arbitrary.

Appeal requests will be denied in cases not having enough grounds in one or more of these areas.

**NOTE: Not agreeing with the hearing decision is not grounds for an appeal.**

### **Remedies for Appeal**

The following actions may be taken by the Vice President for Enrollment Management and Student Experience, Conduct Administrator or his/her designee as a result of the filing of an appeal. He or she may:

1. Deny the appeal;
2. Affirm the decision;
3. Affirm the decision, but amend the sanction(s) levied; or,
4. Vacate (overturn) the decision and order a new hearing with a different hearing board.

When a new hearing is ordered, the case, along with a written rationale for upholding the appeal, will be heard by a different panel. In this situation, the charged student retains the right to appeal as if it were an original hearing.

### **Stay of Sanction(s) During the Appeals Process**

The act of filing an appeal usually postpones the sanction(s) required by the initial decision until the appeals process is completed, unless the Conduct Administrator determines that postponement of the sanction(s) may result in a threat to the University community. The Director of Student Conduct and Community Standards may impose sanctions during the appeals process to ensure the safety and well-being of members of the University community or preservation of University property. If an appeal is not granted or should an appeal fail, the imposed sanction(s) will be retroactive to the original date issued unless the Executive Director affixes a different sanction and/or date.

### **Notification Following an Appeal**

The Vice President for Enrollment Management and Student Experience or his/her designate having received an appeal, shall review the case and issue his/her decision, in writing, regarding the appeal within five (5) business days. Copies of the decision will be mailed to the person filing the appeal, the Vice President for Enrollment Management and Student Experience and other university officials as deemed necessary by the sanction(s).

**Limitations**

No conduct hearing may be initiated against any person for a violation of any rules or regulations after a period of three months from the date that the violation has been reported to the Conduct Administrator or to the UMES Department of Public Safety, and such person has been cited for the offense.

Only the accused may file an appeal. Each case may be appealed only once. The appeals finding is final and binding.

**Parental Notification**

If a student under the age of 21 is found to be responsible for the use and/or possession of drugs or drug paraphernalia, the resultant sanction will include notification of the parent/guardian by either the Office of the Conduct Administrator, the Vice President for Enrollment Management and Student Experience or designee. In the event of a first or second violation of the alcohol policy by a student, the resultant sanction may include, but is not limited to, probation, developmental and alcohol counseling, a fine and/or work sanction. In addition to the sanctions, a third violation of the alcohol policy by a student under the age of 21 will result in the notification of the parent/guardian as noted. In addition, the parent/guardian may be contacted in any instance in which the health or safety of the student has been threatened either through the student's own acts or the acts of others.

## **Administrative Procedures**

### **Practices and Procedures**

The rules of Practice and Procedure are general guidelines to be utilized by the Conduct Board. Said rules are not subject to amendment without the approval of the Vice President for Enrollment Management and Student Experience. However, the Conduct Administrator and/or Director may include such additional guidelines that will amplify or clarify these rules, or that facilitate their implementation, provided that such guidelines do not deny the guarantee of due process specified or explicit in these rules. Such guidelines shall be stated in writing by the Conduct Administrator.

### **President's Right of Summary Suspension**

The President, or his or her designee, may summarily suspend a student from the University for a period of up to ten (10) business days, when in his or her judgment, such action is to protect the safety and well-being of the University, University property, and/or any member of the University community. When a summary suspension is imposed, a Conduct Board hearing will be convened by the tenth-business day, to determine whether the suspended student violated the Student Code of Conduct and, if so, to determine whether to discipline the student for the violation. If the Conduct Board has not convened by the 10<sup>th</sup> business day to hear the charges against the student, on the 11<sup>th</sup> business day, the student may return to the university, under the following limited conditions: they may return to and reside in university housing, eat in university dining facilities and return to classes, noting that charges are still outstanding, and that a conduct hearing date is pending. If the suspended student seeks a postponement of the hearing date and the request for a postponement is granted, the suspension will remain in effect until the new hearing date. If the charged student is incarcerated, the summary suspension shall remain in effect, until such time as the student has been released and a conduct hearing scheduled.

*A summary suspension requires that a student immediately leave the campus.* During the summary suspension, students shall be denied access to the residence halls, all campus facilities, and University classes, on or off campus, University activities or privileges for which the student might otherwise be eligible. Should a student return to campus during the summary suspension period, or engage in a University sponsored activity/event, without written permission from the Vice President for Enrollment Management and Community Standards or designee, he/she shall be cited for trespass and shall be subject to further disciplinary action, arrest, and/or criminal prosecution.

Until and unless a student, who was summarily suspended, is found to have violated the Student Code of Conduct after a hearing, his or her status as a student of the University of Maryland Eastern Shore shall not be altered. If the suspension is not upheld after the Conduct Board hearing process, the student who was summarily suspended will be excused from classes that were missed because of the suspension, and allowed a reasonable time to make-up academic work that was missed or impacted by the suspension. Students who are summarily suspended, are encouraged to keep up with class work where possible through blackboard, telephone and email communications with instructors, while out of class.

### **Summer School**

The conduct process of the University during summer school sessions shall function in each

instance in the same manner as authorized for the regular school year. Interim Conduct Board members may be drafted for summer hearings. The incumbent Student Government Association administration may recommend student representatives, from qualified students who are enrolled in summer school. The authority of the summer school Conduct Board commences with the opening of the summer school session. Faculty representatives will be appointed from the summer school faculty. Appeals shall be handled in the same manner as proscribed during the regular school year.

### **Conduct Suspensions, Expulsions, Refunds and Grades**

Students who are suspended or expelled from the University for Disciplinary Reasons shall not be entitled to any refund of tuition or fees. Students, who are suspended, and/or expelled from the University prior to examinations, will receive the grade of “W” for all classes attempted. Similarly, students whose housing or boarding contracts are terminated for disciplinary reasons shall not be eligible for refunds.

### **Procedures for Reinstatement Following Conduct Suspension**

Students, who are suspended from the University for Conduct Code violations, must apply to the Conduct Administrator in writing for reinstatement. Each written request for reinstatement must be accompanied by an “Application for Reinstatement.” The Application for Reinstatement may be obtained online, or by writing or calling the Office of the Registrar.

Please note that all conditions/sanctions associated with a conduct suspension, must be successfully satisfied prior to reinstatement being granted. Suspended students will only be considered for reinstatement after filing the Application for Reinstatement, submitted with all supporting documents, i.e., medical clearance form/release, counseling/treatment certifications, etc., as stipulated in the suspension/decision letter. *NOTE: Students, who have been suspended from the University, will not be granted an early return to the university, prior to the successful completion of their conduct/disciplinary sanction. Sanctions must be successfully completed (served) in their entirety, as ordered, affirmed, or modified on appeal.*

### **Official Withdrawal from the University**

Should an accused student be academically dismissed or leave the University voluntarily, before pending disciplinary charges have been resolved, the Conduct Administrator may precede at his/her discretion with the conduct process (case) in the absence of the student as outlined in the Code. An accused student, who withdraws from the University with a case pending, will not be readmitted or reinstated to the university, until such time as his or her case has been processed and resolved. The Conduct Administrator will place a disciplinary hold (academic flag) on the student’s record and transcript, which will prevent selection of classes, registration, re-admittance, reinstatement or transfer to another institution until the case has been adjudicated.

### **Search and Seizure Policy**

The purpose of this policy is to address the rules for administrative searches and seizures that are needed to protect the safety and operation of the University, and enforcement of University policies and procedures. Authorization to conduct an administrative search may be obtained from the Vice President for Enrollment Management and Student Experience, the Vice President for Administrative Affairs, or their designees, through the issuing of an Administrative Search Notice.

Any search by University Police, local police, or other civic employees must be conducted with a search warrant issued through a court having competent jurisdiction. An administrative search notice will only be authorized upon a showing of reasonable grounds to believe that the search will reveal evidence of a Code of Conduct, health or safety violation. A request for an Administrative Search Notice must include the following information: *(a) the violation(s) suspected; (b) the basis for suspicion and the particular item(s) for which the search is being conducted; (c) the room area, or vehicle to be searched and the occupant(s) name(s); and (d) the date and approximate time of the search. The Administrative Search Notice authorizes only University employees (non-police employees) to search a room, vehicle, or items in the possession of a student. A copy of the Administrative Search Notice will be provided to the student(s) whose room or property is being searched.*

Authorized employees who need to enter a room during the performance of conducting a search, will knock and identify themselves. If there is no response, a passkey will be used to enter the room. For purposes of this provision, premises occupied by students include, but are not limited to, University owned or controlled property and residences, student vehicles, personal property, persons, purses, briefcases, backpacks, workstations, or any other space occupied by a student on a University sponsored trip or activity.

In conducting a search, attempts will be made to have the occupant(s) of the room present. If present, the occupant(s) shall be: *(a) informed that any material found may be used in a University conduct hearing; (b) presented a copy of the administrative search notice; and (c) the reason for the search and material to be seized.* If the occupant(s) is (are) not present, the search may be conducted, with presentation of the administrative search notice presented later.

If an item of personal property is locked and cannot be searched, it may be confiscated and held until the item is opened for inspection.

Contraband items, for example, those prohibited by law or University policy, in clear view may be confiscated by the university employee and used as evidence in a disciplinary proceeding. Such items will not be returned to students. A detailed description of materials/items confiscated (seized), and possible ownership will be given to the Conduct Administrator and used as evidence in a conduct hearing. A receipt listing the materials/items confiscated will also be given to the student who possessed the propriety.

### **Social Networking Policy**

The University of Maryland Eastern Shore may use Facebook, and/or other social networking websites and communities, to keep in touch with and to inform the campus community about events, programs, contest, etc. It is not UMES' policy to monitor these social networking websites and communities; nor does UMES prohibit or encourage faculty, staff, or students from joining, or from participating in these websites and communities. However, any behavior when using these websites that violates the Student Code of Conduct, Human Resource, Academic or Computer Use Policies, brought to the attention of a University official, may result in disciplinary action, to include, but not limited to conduct sanctions. Violations of the University's Computer Use Policy will result at a minimum, in the suspension of the violator's access to University's computing resources.

## **PSYCHOLOGICAL EMERGENCIES**

A student who experiences a psychological emergency, including attempts to harm himself/herself, may be required to leave campus and will be required to have a psychological evaluation prior to returning and/or continuing as a student. If the psychological emergency involves a community disturbance, disrupts the orderly functioning of the university, or requires more supervision than the university can reasonably provide, or jeopardizes in any way the safety of the student or others, the student may be required to remain off campus or be administratively withdrawn from the university.

The Director of Counseling Services, CARE (or designee) will prepare an evaluation of the student's capacity for remaining enrolled at the university. The Director of Counseling Services and/or the CARE will make a recommendation to the Vice President of Enrollment Management and Student Experience regarding the student's ability to return to the university. If the situation involves a medical emergency, the Director of Student Health Services will assist in preparing the evaluation. The student's parent(s) or guardian may also be notified. Parent(s) or guardian of dependent students must/will be notified.

If the student can remain enrolled, he/she will be required to sign an Agreement to Return to Campus, which documents conditions for his/her continued enrollment. This agreement may include in/outpatient treatment that will be evaluated by the Director of Counseling Services, the CARE and/or Student Health Services. If the student is found to be in violations of this agreement, the agreement may be terminated and the student administratively withdrawn from the university.

Parents may be required to assist the student. In the event of an extreme emergency such as a suicide attempt or any extreme situation where the student's judgment is significantly impaired, until parents or guardians can be contacted the on-call counseling staff and/or the local hospital may assist with initial treatment recommendations. The student or his/her family will be responsible for all off-campus costs including transportation to the hospital, the initial evaluation and any hospitalization costs or any outpatient treatment.

## **Prohibited Conduct**

The following conduct is prohibited by the University of Maryland Eastern Shore and subject to disciplinary action in accordance with the Student Code of Conduct. Attempts to commit acts prohibited by this Code shall be punished to the same extent as completed acts. Students and student organizations are responsible for the conduct of their guest(s) on, or in University property and at functions sponsored by the University and may be disciplined for a guest's violation of this Student Code of Conduct. Pursuant to the University's parental notification policy, parents or guardians will be notified when students under the age of twenty-one (21) receive disciplinary sanctions for abuse and/or misuse of alcohol, and drugs, or for arrest.

- 1. Tampering with Safety Equipment**  
Safety equipment, i.e., fire extinguishers, blue light safety telephones, detection equipment, or the inappropriate use of or possession of safety equipment on property owned or controlled by the University.
- 2. Tampering with University Equipment**  
Tampering with and/or disabling any security camera, elevator, wiring, plumbing, telephone, or computer line or system, parking control devices (boot), or other University equipment to endanger oneself or others, or to remove a vehicle.
- 3. Computer Misuse and Dishonesty**  
A student may not attempt to degrade the performance of the computer systems, to seek to penetrate its security, or in any way deprive other users of resources or access to the computer systems. Violations may include, but are not limited to: (a) using a computer account belonging to another individual without the permission of that individual; (b) tampering with the operation of the University's computer systems including both equipment and programs; (c) using the systems for commercial or other unauthorized purposes; (d) inspecting, modifying or copying programs or data without authorization from the owner; and (e) using the University's computer systems to send abusive, obscene, or harassing communications.
- 4. Forgery, Fraud, and Dishonesty**  
Student may not knowingly provide false or misleading identification or information, written or oral, in a manner which has the intent or effect of deceiving authorized University personnel, including members of conduct hearing panels; knowingly making false charges under the Code of Conduct or of altering or falsifying official institutional records. Misrepresentation of oneself or of an organization will also be considered a violation of this section.
- 5. Improper Possession, Use or Abuse of Alcoholic Beverages**  
Students may not possess, purchase, or consume any alcoholic beverages unless they are of legal age as defined by the State of Maryland for purchase, possession, or consumption of such beverages. Students of legal age may not purchase or provide alcohol to under aged persons, as defined by the State of Maryland. Any violation of the University's Alcoholic Beverages Policy shall be construed as a violation of this section (**See Alcohol Policy: Appendix page 62**)

- a. In accordance with Maryland law, it is illegal for any person under 21 years of age to purchase, possess or consume, or for anyone to aid or abet such a person in purchasing or consuming any alcoholic beverages.
- b. Alcoholic beverages are not permitted to be sold by any person, organization or corporation on the campus of the university, including property leased by the university (i.e. Office of Student Experience).
- c. It is unlawful for any person to drink alcoholic beverages or to offer a drink to another person or persons, whether accepted or not, on any public road or street, parking lot, sidewalk or other publicly owned or leased place.
- d. State funds and student fees collected by the university cannot be used to purchase alcoholic beverages.

The University of Maryland Eastern Shore abides by Maryland State laws and statues. Students 21 years of age and older may possess and consume beverages within the privacy of their bedroom or private living area. No drinking is allowed in the common rooms of suites or apartments if anyone under the age of 21 is present; even residents that live there. However, it is important to note that a student 21 years of age and older sharing a room with an underage student cannot possess and/or consume alcohol beverages within the privacy of their bedroom or private living area; and moreover, students 21 year of age and older, if sharing a room with a student under 21, may not store/house alcohol beverages in said living area. Students are subject to an alcohol fee for this violation and may face student conduct action.

Residents who are under 21 years of age are not allowed to host parties with alcohol regardless of the guest's age. Non-UMES students and UMES students (under 21 years of age) living off-campus are not allowed to bring alcohol into residential facilities. The Office of Residence Life staff reserves the right to stop people from bringing alcohol into the building(s). No alcohol is permitted or shall be stored in the common areas of residence halls (i.e., bathrooms, kitchens, balconies/porches, lounges, living rooms, laundry rooms, etc.).

A student and his/her guest may be required by University personnel to open all backpacks, bags, coolers and other containers when entering a residence hall. This procedure is a safety and security measure, which prevents unwanted or unauthorized materials from being brought into the halls. A resident and his/her guest may be denied entrance if they choose not to cooperate with this request.

In accordance with University Policy, alcoholic beverages may not be consumed in public areas, including hallways, lounges, and apartment balconies/porches or outside buildings. The sale of any alcoholic beverage on the UMES campus is prohibited. Students are not permitted to possess kegs, or any other containers designed to hold large volumes of alcohol than what is found in common source containers. Students are not allowed to construct or own a table used for the purpose of alcohol related games, including but not limited to, beer pong, flip cup, card games, quarters, etc. **(See Alcohol Policy, Appendix 1, pg. 62)**

**6. Public Intoxication**

Appearing on University-owned or controlled property, or at a University-sponsored event while under the influence of a controlled substance or any other intoxicating substance.

**7. Drugs**

The possession, use, or manufacture of any drug or controlled substance (including any stimulant, depressant, narcotic, or hallucinogenic drug or substance, or marijuana), or sale or distribution (trafficking) of any such drug or controlled substance, except for medications prescribed by a licensed physician and in the possession of the student or other person for whom the prescription was written, or medications which have been legally obtained, such as use of over-the-counter drugs, is a violation of this Code. (The UMES Drug Policy is included in Student Handbook).

- a. Possession - either actual or constructive, means having possession of a thing or object or when a person has the power to control possession of a thing or object, is a violation of the Code;
- b. Use – actively engaged in the consumption of controlled substances is a violation of the Code;
- c. Manufacture – growing and/or making controlled substances for personal use and/or sale is violation of the Code;
- d. Intent to distribute (traffic) – possession of controlled substances in quantities and/or contained in a manner that would lead a responsible person to conclude that the substance was intended for sale and/or distribution, is a violation of the Code, Appendix, Page 71.

**NOTE:** Individuals who remain in the presences of persons who engage in illegal or abusive use of drugs and/or controlled substances, whether actively participating or not, will be subject to the same disciplinary action and sanctions as offenders.

**Medical Marijuana Policy:** UMES does not permit the use of marijuana for any purpose on University-owned or controlled property. Students who have prescriptions to use marijuana for medical purposes are not permitted to possess, store, grow, provide, or use the marijuana on University-owned or controlled property (including but not limited to residence halls, academic buildings, athletic facilities, fields, vehicles, and parking lots), or during a University-sanctioned activity regardless of the location. To do so is a violation of “federal, state and local laws, and the University’s Zero Tolerance Drug Policy. To be clear, any distribution, use or possession of marijuana is a crime under federal law, and as such, is a violation of the Student *Code of Conduct*. Violators are subject to suspension from the university and/or arrest, as marijuana is a Schedule 1 prohibited drug.

**8. Drug Paraphernalia**

Includes, but is not limited to the use or possession of equipment, products, or material which is used or intended for use in manufacturing, growing, selling, using (consuming), or distributing (trafficking) any drug or controlled substance.

**1. Discriminatory Conduct**

Engaging in acts of violence, verbal or physical behavior directed at an individual or group that has as its purpose subordination based on race, color, creed, religion, disability, marital status, national origin, sex or sexual orientation; creation of an intimidating or demeaning environment that impedes health, safety or access of other students, faculty and staff to the educational benefits available from or through the University is prohibited. *If anyone feels that he/she has been discriminated against by a student, or a faculty or staff member, he/she should also contact the Affirmative Action Officer, Office of Human Resources.*

**2. Violence to Persons**

Acts of violence include, but are not limited to, assault, bullying, the unauthorized touching of another person, and/or actions in reckless disregard of human affairs and safety, which places a person in personal fear or which have the effect of harassing or intimidating a person, or causing reasonable apprehension of such harm.

**11. Fighting and Battery**

Fighting and/or battery includes, but is not limited to physically assaulting another person, or recklessly causing physical harm or causing reasonable apprehension of such harm; scuffles, slap-boxing and/or fistfights.

**12. Theft**

Theft is a general term that encompasses any incident in which someone takes the property of another with the intent to permanently deprive the true owner of that property, which includes but is not limited to shoplifting, larceny, false pretenses, and receiving stolen property.

**13. Vandalism, Destruction and Abuse of Property**

Conduct that causes or attempts to cause damage, abuse, or theft of University property or property belonging to members of the University community. Students found to have violated this provision may be required to make restitution for any loss of or damage to property, in addition to other sanctions which might be imposed.

**14. Non-compliance**

Failing to comply with the directions of an authorized University official, faculty or staff member acting in the performance of his or her duties, or any other person responsible for a facility or registered function acting in accordance with those responsibilities. It is the responsibility of the University official or person acting on behalf of the University to identify him or herself and to state the reasons for the direction that is given.

**15. Abuse of the Conduct System**

Abusing the conduct system includes but is not limited to:

- a. Failure to obey the summons of the Conduct Board or University Official;
- b. Falsification, distortion, or misrepresentation of information before a Conduct Board;

- c. Disruption or interference with the orderly function a conduct proceeding;
- d. Attempting to discourage an individual's proper participation in, or use of, the conduct system;
- e. Attempting to influence the impartiality of a member of the Conduct Board, witnesses, or complainant prior to, and/or during, and/or after a conduct proceeding;
- f. Harassment (verbal or physical) and/or intimidation of a member of the Conduct Board, witnesses, or complainant prior to, and/or during, and/or after a conduct proceeding;
- g. Failure to comply with imposed sanction(s); or,
- h. Influencing or attempting to influence another person to commit an abuse of the conduct system.

#### **16. Disruptive, Disorderly, or Reckless Conduct**

Disruptive, disorderly, or reckless conduct includes indecent exposure, lewd behavior, bomb threats, false fire alarms, and other actions which disrupt normal University functions, activities, and processes of the University community. When disorderly or disruptive conduct occurs in class, a faculty member may file a complaint of misconduct with the Conduct Administrator, and after a hearing, if that complaint is upheld; the student may be administratively withdrawn from said class and may then appeal. Disruptive, disorderly, or reckless conduct includes, but is not limited to the following:

- a. Threats, physical abuse, harassment, or hazing which threatens or endangers the health, safety, or welfare of a member of the University community;
- b. Fighting or physically assaulting another person (see fighting/battery);
- c. Recklessly causing physical harm or causing reasonable apprehension of such harm;
- d. Obstructing or disrupting teaching, research, administrative and public service functions;
- e. Obstructing or disrupting disciplinary proceedings or other authorized University activities;
- f. Intentional participation in campus demonstrations which disrupt the normal operations of the University and infringe on the rights of other members of the University community;
- g. Leading or inciting others to disrupt scheduled and/or normal activity in any campus area, causing infringement on the rights of members of the University community; or,
- h. Playing loud music, within a residence hall or in a vehicle (moving or parked);
- i. Trespass or unauthorized entry to any University premises, facility, property, or at a University-sponsored event or activity.
- j. Disruptive to others; conduct which is likely to disrupt the activities of a reasonable person going about his/her daily affairs in the communities surrounding the University or one's home; and
- k. Unauthorized use of cellphones, handheld games, or electronic devices and/or headphones (other noise-making devices like watches with alarms),

in class that is distributive to the teaching and learning environment.

**17. Possession of Dangerous Weapons, Firearms, or Explosives**

Except for authorized use by law enforcement agencies and officials, the possession or use of dangerous weapons, firearms, fireworks or explosives is prohibited on University property, and at University-sponsored events. Prohibited weapons are those listed in the Maryland Code, including, but not limited to the following: BB guns, martial arts weapons, brass or metal knuckles, stun guns, pellet guns, rifles, air/gas guns, laser pointers, hand guns and multiple firing weapons, knives, straight razors, or any sharp pointed or edged instrument (e.g., box cutters) with the intent to cause harm, and chemicals such as tear gas, any incendiary devices, biological agents, grenade, mine or powerful explosives, fireworks and ammunition.

**18. Violations of Residence Life and Housing/Rules and Regulations**

Any violation of Residence Life and Housing/Rules and Regulations (contract/agreement) is subject to discipline under this Student Code of Conduct, to include immediate suspension/termination of housing and a denial of subsequent campus housing.

**19. Cellular Telephone and Pagers in the Classroom**

The use of cellular phones and pagers is expressly prohibited in academic classrooms and laboratories, unless permitted by said instructor. All such telephones and pagers, audible or silent, must be kept in the "vibrate or off" positions while students attend classes. Students in non-compliance may be asked to leave the classroom immediately upon discovery of phone and/or pager use.

**20. Ticket Scalping**

Selling tickets to University functions or events for a price in excess of the price printed on the ticket.

**21. Contracts**

Students as individuals or representatives of student organizations are prohibited from entering into verbal or written agreements or contracts that purport to bind, obligate, or create liability for the University. In such instances, the University will hold the student individually, and/or the student organization, liable for the financial or legal consequences or damages that may result from such unauthorized actions.

**22. Possession of Stolen Property**

Knowingly possessing property that may be identified as being stolen from the University or from any other person.

**23. Obstruction of the free flow of pedestrian or vehicular traffic**

Blocking, impeding, or causing a restriction to the free flow of pedestrian or vehicular traffic on University premises, or at University sponsored or supervised events.

**24. Forcible Entry**

Breaking and entering any building, structure, or facility on University premises.

**25. Littering, Throwing Objects Out of Windows**

The inappropriate disposal of refuse, including ejecting or dropping any object from windows in residence halls or balconies or other university buildings or vehicles.

**26. False Reporting**

Falsely reporting fires or other emergencies, falsely setting off fire alarms or tampering with fire equipment.

**27. Arson**

The malicious or fraudulent burning of property, creating fires, open flames, and/or lighting flammable materials in a building or facility on University premises.

**28. Disregard of Fire or Evacuation Alarm Signals**

The disregard of fire alarm signals or refusal to evacuate a building or a section of a building when a fire or evacuation alarm is sounding.

**29. Harassment**

Engaging in intentional conduct directed at a specific person or persons which seriously alarms or intimidates such person or persons, and which serves no legitimate purpose will not be tolerated. Such conduct may include: explicit or implicit threats, including gestures which place a person in reasonable fear of unwelcome physical contact, harm, or death; following a person about in a public place or to or from his or her residence; making remarks in a public place to a specific person which are by common usage lewd, obscene, expose a person to public hatred, or that can reasonably be expected to have a tendency to cause acts of violence by the person to whom the remark is addressed; or communicating anonymously by social networking, text messaging, voice or graphic means, or making a telephone call, anonymously, whether or not a conversation ensues.

**30. Sexual Misconduct or Abuse**

Sexual misconduct attempted or actual, includes but is not limited to: unwanted sexual activity, such as sexual touching, or fondling of an unwilling person's intimate parts (defined as genitalia, groin, breast or buttock, or clothing covering them), or forcing an unwilling person to touch another's intimate parts; sexual assault, harassment, rape, forcible sodomy or sexual penetration with an inanimate object, intercourse without consent, under conditions of force, threat of force, fear or when a person is unable to give consent because of substance abuse, captivity, sleep or disability. Violations of this provision will be adjudicated under the Title IX Sexual Abuse Policy by a Board paneled for such cases.

**31. Smoking**

Smoking is prohibited in all UMES buildings; and is only permitted in designated outdoor areas (see appendix for full policy).

**32. Identity Theft**

Identify theft violations include but are not limited to knowingly and willfully assuming and using personal identifying information without the consent of said owner for the purpose of misrepresenting oneself. The usage, selling, or transferring that information to obtain any benefits, credit, goods, services or other items of value in the name of said owner is a violation of this Code.

**33. Retaliation**

Retaliation of any kind including intimidation, threats or unwanted physical contact, etc.) against another student or individual who has in good faith, report a Conduct violation, served as a witness, has participated in the Conduct process, or has reported hazing.

**34. Violating the Terms of a Sanction**

Violating the terms of any disciplinary sanction imposed (including failing to meet deadlines and/or committing a violation of university rules while serving a probationary sanction) in accordance with the Student Code of Conduct will be grounds for further action under the Code.

**35. Stalking**

Any repeated conduct directed specifically at another person that causes that person to fear for his or her safety. Such conduct includes but is not limited to repeated/frequent and/or unsolicited telephone calls, social networking, text messaging, following another person; as well as acts that threaten or intimidate another person through fear of bodily injury or death.

**36. Harboring**

Knowingly harboring or transporting a fugitive from justice, or any individual who has been officially barred (suspended or expelled) from the University or University sponsored activities, or for whom there is an outstanding warrant.

**37. Illegal Gambling or Wagering**

Illegal gambling, including, but not limited to playing cards, shooting dices, sports betting, contests of chance, illegal lottery for money or something of value; promoting or advancing gambling; gambling using University computing/network facilities; possessing gambling devices or gambling records.

**38. Misuse of Keys**

Duplication or misuse of University keys or other access devices.

**39. Conspiracy**

Agreement between two or more persons to commit a crime or Code violation; a student does not have to be physically present during the act of the crime or Code violation to be found responsible of conspiracy.

**40. Hazing**

Hazing, in any form, is a violation of both the National Pan Hellenic Board (NPHC) and the University of Maryland Eastern Shore Hazing Policy.

- a. No member of the University community shall participate in the hazing of another.
- b. No member of the University community shall knowingly permit the hazing of any person.
- c. No member of the University community shall fail to report hazing.  
(See UMES Hazing Policy, located in the Student Handbook).

**41. Pornography**

Public display of pornographic materials, including, but not limited to: displays of literature, films, pictures, or other material which an average person applying contemporary community standards would find, (1) taken as a whole, appeals to the offensive interest, (2) depicts or describes sexual conduct in a patently offensive way, and (3) taken as a whole, lacks serious literary, artistic, political, or scientific value.

**42. Sirens and Loudspeakers**

The unauthorized use of sirens, loudspeakers, and other sound amplification equipment.

**43. Student Identification Cards**

Failure to possess always a valid student identification card and/or failure to surrender ID card to University official upon proper request.

**44. Graffiti**

Damage or defacement of UMES or someone's personal property by painting, chalking, writing, stenciling, or by any other means of application on such property.

**45. On or Off Campus Event Related Misconduct**

On or Off Campus Event Related Misconduct ("Event Related Misconduct") is misconduct by a UMES student that occurs on or off campus that is directly or indirectly related to a University sponsored activity or event, including but not limited to athletic events where the misconduct results in any harm either on or off campus to any person or property, or poses a threat to the stability of the campus, or the campus community, or the community surrounding the campus or the community where the event was located. Event Related Misconduct includes but is not limited to on or off campus acts such as rioting, assault, theft, vandalism, arson, fire setting, breach of the peace or destruction of property that is related either directly or indirectly to a University sponsored activity or event. Campus disciplinary action for Event Related Misconduct may take place regardless of the existence, status or outcome of any criminal charges in a court of law related to the misconduct. Event Related Misconduct does not include offensive related speech by a student at University sponsored events which is covered under other sections of the Student Code.

Event Related Misconduct may vary in its seriousness and degree of harm. However, because of the very seriousness of the impact of any Event Related Misconduct on the University, other students, not responsible bystanders, the campus community and the community surrounding the University or the community where the University sponsored event is located, or the potential for Event Related Misconduct to impact the behavior of others, Event Related Misconduct student disciplinary proceedings and sanctions will be as follows:

1. For Event Related Misconduct there is a presumption that if the student is found responsible for Event Related Misconduct by the University, that student will be dismissed from the University. This Presumption of Dismissal means that if the student is found by a preponderance of the evidence during a UMES conduct hearing or appeal, responsible for or to have committed Event Related Misconduct, the sanction for that student will be dismissal from the University - either temporarily through suspension or permanently through expulsion.
2. The student can present to the Conduct Board during the student conduct hearing evidence of mitigating or extenuating facts or circumstances that a lesser penalty than suspension or expulsion is appropriate.
3. If the Conduct Board imposes a sanction of less than suspension or expulsion from the University, the Conduct Board must issue a written finding of fact to support the lesser sanction. The final decision of the University whether decided on appeal or otherwise that provides for discipline of less than suspension or expulsion from the University must be signed by the Vice President for Student Affairs.
4. Students who are suspended under this section of the Student Code shall not be admitted to class or be allowed to be on campus during the term of the suspension at UMES or to be admitted to any other University System of Maryland (USM) institution during the term of the suspension.
5. Students expelled for Event Related Misconduct are not allowed to be readmitted to UMES. Students expelled for Event Related Misconduct shall not be admitted to any other USM institution for at least one year from the effective date of his/her expulsion.
6. Campus disciplinary action may take place regardless of the existence of, status or outcome of any criminal charges in a court of law related to the event related misconduct. In addition to all provisions of the UMES student Code, if a UMES student has been charged or convicted of any crime related to a violation of federal, state or local law for on or off-campus behavior arising out of or related to Event Related Misconduct, that student may be disciplined under the Student Code without a conduct hearing when the following occurs:
  - a. the student is found responsible by a court of law or,
  - b. the student pleads responsible or nolo contendere to the charges or

c. the case is settled.

If the University exercises its right under Section 6 above against a student, it will only be taken after an investigation by the Department of Public Safety and the Conduct Administrator and after the student has been offered an informal meeting with both.

**46. On or Off Campus Misconduct**

Any act or omission committed on or off campus that constitutes a serious criminal offense. A serious criminal offense is defined as an action that Maryland state law identifies as a felony and which indicates that the student constitutes a substantial and continuing danger to the safety or property of the college or members of the campus community. Any student who is arrested on or off campus must inform the Vice President of Student Affairs or Director of Student Conduct or a designee within 48 hours of the arrest.

**47. Unauthorized Entry or Use**

Unauthorized entry into or use of property, or University facilities including residence halls, classrooms, offices, and other restricted facilities. It should also be recognized that an open or unlocked door is not an invitation to enter and use facilities.

**48. Recording/Taping of Images or Sound without Consent**

Maryland is a two-party-consent state. This means that all parties to a conversation must consent to having any portion of the discussion recorded. Any unauthorized use of electronic or other devices to make a recording/taping, video or photographic record of any person on University premises where there is a reasonable expectation to privacy without his/her prior knowledge, or without his/her effective consent and when such a recording/taping, photo is likely to cause harm, injury, distress, or damage to reputation or person. This includes, but is not limited to, telephone conversation interceptions, taking video, audio or photographic images in shower/locker rooms, residence hall rooms, class, student conduct proceedings, and meeting rooms and restrooms. The sharing and/or distributing of such unauthorized records by any means, over any medium as also prohibited, and a violation of Federal, local, state, and/or University policy may result in student conduct action being taken. **Note:** *Such statute would not apply to University wide events such as athletic events, commencement, or other public venues.*

**49. Under the Influence**

Lacking the normal use of mental or physical faculties; impairment of a person's physical or mental faculties may be evidenced by a pattern of abnormal or erratic behavior, the presence of physical symptoms of drug or alcohol use, or by admission. A student "under the influence" need not be legally intoxicated to trigger disciplinary action.

**50. MISUSE OF UNIVERSITY FUNDS/STUDENT ORGANIZATION FUNDS**

The misuse or unauthorized use of University funds or student organization funds administered through the University.

**51. Terroristic Threats/Threats**

When a person communicates, either directly or indirectly, a terroristic threat or threat to: commit any crime of violence with intent to terrorize/threaten another; cause evacuation of a building, place of assembly or facility of university transportation; or otherwise cause serious inconvenience, or cause terror or serious inconvenience with reckless disregard of the risk of causing such terror or inconvenience. A person commits an offense if they threaten to commit any offense involving violence to any person or property with intent to:

- a. Cause a reaction of any type to his/her threat by a university official or volunteer agency organized to deal with emergencies;
  - b. Place any person in fear of imminent serious bodily injury; prevent or interrupt the occupation or use of a building, room, place of assembly, place to which the public has access, place of employment or occupation, aircraft, automobile, or other form of conveyance, or another public place;
  - c. Cause impairment or interruption of university communications, transportation, water, gas, or power supply or other university service;
  - d. Place the community or a substantial group of the university in fear of serious bodily injury; or
  - e. Influence the conduct or activities of any division or unit of the university or state.
1. Have a backup administrator – Purchase College’s Web Communications Manager (in the Publications and Electronic Media Office) must have administrative rights to your social media content, in case of emergency or employee turnover.
  2. Have a plan - Develop a strategy for keeping information on social media sites up to date and interesting.
  3. Protect the institutional voice - Posts on social media sites should protect the College’s institutional voice by remaining professional in tone and in good taste.

**53. VIOLATION OF PRIVACY**

To produce live streaming video/audio footage, audio recordings, video recordings, or photographs of any individual in a location where the person has a realistic expectancy of privacy and without the individual’s awareness or consent.

## Sanctions

### Sanctions and Definitions

Upon the finding of a violation of the Code of Conduct, students are subject to any of the following sanctions, alone or in combination. The purpose of conduct sanctions is to educate students about responsible behavior as members of the UMES community, to maintain order, to provide an atmosphere in which students can study and develop academically, and to protect the rights and property of others. During deliberations, the Conduct Board and/or the Conduct Director/Administrator may take into consideration the following factors when determining an appropriate sanction: the present demeanor of the accused student, the accused student's past disciplinary record, the nature of the violation, and the nature and extent of damage, injury, or harm resulting from the violation. Sanctions are imposed, consistent with the severity of the violation and without regard to a student's classification, prospective graduation date, the time in the semester, or when the violation occurred, scholarship status, or any other factor.

Disciplinary sanctions shall be communicated to students in writing. A copy of the letter to the student describing the sanction will be maintained in the Office of the Conduct Administrator and may be used to assist in determining sanctions in subsequent disciplinary cases for which more serious sanctions may be imposed. Letters of dismissal are maintained, with corresponding conduct case files, permanently. All other sanctioning letters and case files are maintained as confidential records for six years after the date of last attendance and thereafter destroyed.

Students who fail to complete their prescribed sanctions within the time allotted, may have their registration cancelled for subsequent semesters, until such time as the sanctions have been completely satisfied. Failure to perform prescribed sanctions, as directed, can lead to the imposition of more severe sanctions, including suspension from the University. Parents of minor students who receive a disciplinary sanction and/or arrest may be notified by a University official.

One or more of the following sanctions may be imposed for any single violation of the UMES Student Code of Conduct.

#### 1. **Expulsion**

Expulsion constitutes the permanent separation of the student from the University, to which a student is not eligible for readmission or reinstatement and is permanently barred from University property and from all University sponsored or sanctioned events. In addition, students expelled from the University may not attend another college or university within the University System of Maryland (USM). If an expelled student returns to the campus, he or she may be charged with unlawful entry (trespass) and arrested. Any student who is expelled is not entitled to any tuition or fee refund. *Students, who are expelled prior to examinations, will receive the grade of "W" for all classes attempted.* A notation is permanently placed on the academic transcript: "expulsion." Students involved in misconduct that results in expulsion, the conferring of an academic degree will be deferred for the duration.

**2. Suspension**

If a student is suspended, he or she is separated from the institution for a stated period with conditions for reinstatement stated in the notice of suspension. Any student receiving a sanction of suspension shall be restricted from the campus and all University sponsored functions during the period of separation unless on official business with the University, approved and verified in writing by the Office of the Vice President for Student Affairs, designee, or the Office of Public Safety/University Police. Students who have been suspended are not permitted to live or board in University facilities or housing unless otherwise approved or provided by the University. If the decision to suspend a student is made, imposition of the suspension may be delayed until the following semester at the discretion of the university, if the decision occurs late in the semester. However, if the Conduct Administrator and/or Conduct Board feel that the health and safety of the student and/or the university community is at risk, the suspension may be effective immediately. Any student who is suspended shall not be entitled to any tuition or fee refund. Students, who are suspended prior to examinations, will receive the grade of "W" for all classes attempted. Students involved in misconduct that results in suspension, the conferring of an academic degree will be deferred for the duration of the suspension. A notation is placed on the academic transcript, indicating: "suspension." This notation does not become a permanent part of a student's academic record.

**3. Disciplinary Probation**

Disciplinary probation is a written reprimand for violation of specified regulations, imposed for a specified period. A sanction of disciplinary probation includes the probability of more severe disciplinary sanctions (including, but not limited to suspension and expulsion from the University) if the student is found to be violating the Student Code of Conduct during the probationary period.

**4. Disciplinary Reprimand**

Disciplinary reprimand involves the issuance of a formal written warning to the student that future misconduct may result in more severe disciplinary action.

**5. Suspension of Group**

Suspension is the withdrawal of an organization's recognition by the University for a stated period when an organization/group is found to have violated the Student Code of Conduct. Suspension shall result in complete suspension of the activities of the group during the stated period and may also include conditions for removal of suspension. Suspended organizations/groups may be required to remove, and to discontinue use of all symbols (paraphilia) during the length of their suspension.

**6. Organizational Dissolution**

Organizational dissolution involves permanent withdrawal of recognition by the University of an organization/group; denial of use of University facilities or funds, and official dissolution of the organization/group.

**7. Mandatory Work Sanction**

Work assignment, prescribed as a Conduct sanction, performed without compensation, under the supervision of the Conduct Director/Administrator, or designee for a prescribed period.

**8. Restitution**

Imposed when a violation of the Student Code of Conduct involves loss or damage. Restitution outstanding to the University becomes a financial obligation, and failure to make full restitution may impact a student's ability to register for classes, to graduate, or obtain a transcript, and may subject the student to additional sanctions.

**9. Cancellation of Housing Contract**

Violations of the Student Code of Conduct may result in cancellation of the accused student's housing contract and denial of a housing contract in the future:

- When a sanction of suspension from university housing is imposed, the student is denied the opportunity to enter, even as a guest, or to live in university housing for a specified or indefinite period. Students removed from university housing shall remain liable for all housing fees and are not eligible for any refunds for the full occupancy period of the housing contract.
- When a sanction of expulsion from university housing is imposed, the student is permanently denied the opportunity to live in university housing, or to enter university housing, even as a guest. Students removed from university housing shall remain liable for all housing fees and any damages incurred and are not eligible for any refunds for the full occupancy period of the housing contract.

**10. Academic Registration Block**

The Vice President for Enrollment Management and Student Experience, Conduct Administrator or Designee may request that the Registrar place a Conduct Registration Block (flag) on a student's ability to register, obtain a transcript, or to secure classes for subsequent semesters, for violations of the Code. The conduct registration block will remain in place until the student has successfully completed his/her sanction(s).

**11. Presumptive Dismissal/Dismissal**

Includes any disciplinary separation of a student from the University, whether for a fixed period or permanently. As such, it includes both suspensions and expulsions. Moreover, under this provision a student who is suspended may not be admitted to any other University System of Maryland (USM) institution for the term of the suspension. A student who is expelled may not be admitted to another USM institution for at least one year. Presumptive dismissal does not mean automatic dismissal. The policy contemplates that the student will have access to normal campus conduct proceedings and policies. However, in order to avoid dismissal, the student will have to demonstrate specific mitigating or extenuating circumstances that persuade the final decision maker that a lesser penalty is appropriate.

**13. Order to Obtain Counseling**

In cases where the sanction to obtain counseling (psychological, alcohol, drug or relationship, etc.); has been imposed, the student shall be required to provide evidence (on official agency's letterhead) to the Office of the Conduct Administrator, of attendance and successful completion of counseling by qualified, licensed professionals. The financial responsibility to pay for counseling is that of the student.

**14. Fees**

The Conduct Board may assess fees as a part of its sanction.

**15. Drug Violations**

Possession and/or use: A first offense will result in suspension from the university and could include a fine, required participation in a drug abuse education/counseling program at the student's expense, and suspension from campus housing;

Manufacture, distribution, and possession with the intent to distribute illegal drugs or controlled substances: Two-year suspension from the university, with mandatory drug education counseling, which must be successful complete before being reinstated to the university, and permanent suspension from campus housing.

**16. Other Sanctions**

Sanctions other than those described above may be imposed for violations of the Student Code of Conduct. For example, participation in extra-curricular or athletic activities may be limited/suspended/withdrawn, or a student may be required to attend special classes, counseling or conferences on anger management, alcohol and drug abuse, etc.

## **Amendments to the Student Code of Conduct**

The Conduct Board may propose changes to the Student Code of Conduct at any time. The UMES Senate, and the Conduct Board, shall participate in the bi-annual review of the Student Code of Conduct and make recommendations to the Vice President for Enrollment Management and Student Experience regarding omissions, clarifications, constructive changes, and other matters germane to the proper interpretation and operation of the Code. Proposed amendments shall be reviewed by the University Conduct Committee and then submitted to the Vice President for Enrollment Management and Student Experience who will coordinate an extensive review of the amendments. The review shall include, but not be limited to, consultation with the Student Government Association, the University's legal advisor, and other appropriate bodies. The Vice President for Enrollment Management and Student Experience submits recommendations to the UMES President for action.

### **Campus Protest Policy**

UMES recognizes and supports the right of students on our campus to protest peacefully within the framework of the University's policies. Protests may take many forms including, but not limited to: assemblies, demonstrations, rallies and picketing, displaying fliers/posters/banners, distribution of leaflets and petitions, chalking, tabling, or the temporary installation of an object. The University is committed to ensuring that protests take place in a safe and responsible manner without infringing upon the rights of others or violating standards of good conduct or public law.

UMES retains the right to regulate the time, place, and manner of protests. For example, "The University is obligated to maintain orderly and equitable conduct of its affairs, free of intimidation and harassment. While peaceful and orderly protest and dissent are the right of all members of the University community, any action which obstructs or interferes with the fulfillment of this basic obligation cannot be permitted. Violent acts and the incitement of violence are not permitted."

To ensure that the safety of the community is protected and that the principles of freedom of inquiry and expression are supported, the University has established the basic rules listed below regarding protests. In advance of a planned protest, students are strongly encouraged to consult with relevant offices including but not limited to: the Vice President of Enrollment Management and Student Experience, The Executive Director of Student Experience, The Office of Student Engagement and/or The Office of Diversity Equity and Inclusion.

- Protests may not violate or conflict with University policies or the law.
- A single person or group of people does not have the right to prevent the public expression of others (e.g., preventing an invited speaker from being heard).
- Protests may not jeopardize anyone's physical safety.
- Protests may not prevent, unduly obstruct, or interfere with the normal academic, administrative, or programmatic operations of the University. These include but are not limited to:
  - ❖ Academic activities, such as classes, labs, activities in any academic building, libraries, etc.
  - ❖ Athletic events, including both varsity and club sports
  - ❖ Events or speakers hosted in accordance with University policy by academic departments, administrative offices, or recognized student organizations
  - ❖ The functioning of the University's student residences and dining halls
  - ❖ Pedestrian & vehicular traffic flow
  - ❖ Access to/from any University facilities

- In the event that any of the above conditions are violated, University personnel and/or other officials will ask for immediate compliance. University personnel may require students to leave public events at the University for improper behavior. Students are expected to comply with the requests of campus or public officials.
- Damage or alteration, whether temporary or permanent, to any campus structure or landscape is not permitted, unless authorized in advance by the University. Formal requests can be made to the owner of the location being considered; if the owner is not known, contact Facilities for assistance. Students who damage property may be required to pay for replacement/repair costs (in addition to facing potential disciplinary action).
- The University reserves the right to determine an appropriate location for rallies & picketing to ensure that University policies are followed, and to relocate or suspend any protest that violates University policies or the law. In all cases, legal building capacity limits must be strictly enforced. Rallies & picketing may not interfere with access to buildings or spaces.
- Protests in the form of fliers, banners or other large format materials, chalking, or table tents, must adhere to the University's Postings policies.
- The use of amplification equipment for protest is allowed as long as it does not prevent an invited speaker from being heard, Interfere with the normal operations of the University, nor violate local noise laws.
- Non-University groups, and individuals who are not current UMES students, staff, or faculty, are not permitted to engage in protests on University property unless they are invited to campus by a University department or registered student organization in accordance with University policy.
- Violation of these policies will result in disciplinary processes.

**University of Maryland Eastern Shore  
Interpersonal Values Statement**

**As a member of the University of Maryland Eastern Shore, I am expected to demonstrate *Integrity, High Moral Standards*, and to promote *Good Citizenship*. I understand that I represent the University of Maryland Eastern Shore, both on and off campus, and must uphold the University Code of Conduct and Interpersonal Values and will encourage my fellow Hawks to do the same with Hawk Pride!**

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**Toward this end: I will ...**

- **Respect the legacy and the history of UMES**
- **Respect and show appreciation towards the University faculty, administration, staff, and other students**
- **Work for the greater good of UMES and the surrounding community**
- **Work with a commitment to excellence**
- **Trust and be trustworthy; maintain a strong sense of academic integrity and be open-minded**
- **Not engage in any physical altercations or verbal abuse with any persons, on or off campus**
- **Not talk or act inappropriately during the singing/playing of the alma mater or the National Anthem**
- **Not consume, possess or traffic illegal drugs, alcohol or any other illegal substance, and will never possess a weapon, understanding that a violation warrants suspension**
- **Practice civility, caring, and encourage others to do the right thing**
- **Dress in appropriate attire always, removing my head attire when entering a room/building, (unless worn for religious reasons)**
- **View change as a challenge and not a barrier**

## UNIVERSITY OF MARYLAND EASTERN SHORE

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### DRESS CODE

The dress code is based on the theory that learning to use socially acceptable manners and selecting attire appropriate to specific occasions and activities are critical factors in the total educational process. Understanding and employing these behaviors not only improves the quality of one's life, but also contributes to optimum morale, as well as embellishes the overall campus image. They also play a major role in instilling a sense of integrity and an appreciation for values and ethics.

The continuous demonstration of appropriate manners and dress ensures that the University of Maryland Eastern Shore students meet the very minimum standards of quality achievement in the social, physical, moral and educational aspects of their lives - essential areas of development necessary for propelling students toward successful careers.

***Students will be denied admission to various functions if their manner of dress is inappropriate.*** On this premise students at the University of Maryland Eastern Shore are always expected to dress neatly. The following are examples of appropriate dress for various occasions:

- Classroom, Dining Hall, Snack Bar, Student Service Center and University offices - neat, modest, casual or dressy attire.
- Formal programs in Ella Fitzgerald Center for the Performing Arts Center, the William P. Hytche Athletic Center, Tawes Gymnasium, the Theater and the Chapel - business or dressy attire.
- Interviews - business attire.
- Social/Recreational activities, Residence hall lounges (during visitation hours) - modest, casual or dressy attire.
- Balls, Galas, and Cabarets - formal, semi-formal and dressy attire respectively.

***Students may be denied admission to various functions if their manner of dress is inappropriate.***

Examples of inappropriate dress and/or appearance include but are not limited to:

- Pajamas, scarves, caps, do-rags, and or hoods in public areas. This policy does not apply to headgear considered as a part of religious or cultural dress.
- Pajamas, midriffs or halters, mesh, netted shirts, tube tops or cutoff tee shirts in classrooms, dining hall, snack bar, student center, and offices.
- Bare feet anywhere on campus except outside or in a student room in a residence hall.
- Short shorts.
- Pajamas, shorts, all jeans of any color at major programs such as Musical Arts, Convocations, Commencements, Career Fair, or other programs dictating professional, dressy, or formal attire.
- Clothing with derogatory, offensive and/or lewd messages either in words or pictures.

*Division of Enrollment Management and Student Experience*

**Solicitation and Advertising Policy**

*This policy establishes acceptable means of solicitation and advertising for student organizations, on the campus of University of Maryland Eastern Shore (UMES).*

***Preamble***

The primary mission of the University of Maryland Eastern Shore is education. The university is responsible for promoting and protecting the intellectual and cultural growth and development of the institution and the members of its community. Solicitation shall be permitted only to student organizations, alumni, and faculty/staff as set forth in this policy. Commercial solicitation is not permitted.

The enforcement of this policy will ensure a campus environment conducive to student learning.

***I. General Policy***

University facilities are available primarily for programs offered by and intended for the UMES community; except as otherwise provided herein, all programs, activities and events must be sponsored by a registered student organization, UMES department, or alumni chapter. Solicitation of funds, or other support, public speaking (refer to policy on freedom of expression, Student Handbook), distribution and/or posting of literature are permitted under this policy.

As used in this policy, “solicitation” means the attempted sale, lease, rental, or offer for sale, lease, or rental of any property, product, merchandise, or service, whether for immediate or future delivery; or the distribution of information in support of these activities. Solicitations or advertisements and sales displays or distribution of publications on the campus are not permitted, except as according to University policy, state and federal law.

***II. Definitions***

1. Solicitation includes, but is not limited to requesting money, seeking agreement to pay, taking subscriptions, selling merchandise or tickets or offering other comparable materials and privileges in person or by handbills, posters or similar materials to promote sales.
2. Advertisements are the displays of any items that have, as an integral part of their design, the identification of a consumer product or service.
3. Printed materials are publications, handbills, posters, leaflets and other written matter intended for public distribution, sale or display on campus.
4. University campus include all land, buildings, facilities, and other effects or goods in the possession of, or owned, used, rented, leased, or controlled by the University of Maryland Eastern Shore, as a constituent institution of the University System of Maryland.

***III. Policy Statement***

Solicitation shall be permitted, subject to reasonable regulation as to time, place, and manner thereof. No student, student organization, outside agency, or outside person shall solicit sales, or offer anything for sale to any employee or student on the campus of University of Maryland Eastern Shore, unless approved in advance by the Executive Director of Student Experience.

Registered student, organizations may use the university's registered trademarks (including official colors) when used in connection with their organization's activity, provided items are acquired from a licensed vendor. An Activity Event Form (EMS Virtual), must be completed, signed by an authorized representative and/or advisor of the organization, and submitted to the Office of Student Experience. Along with the form, a sample or drawing needs to be provided showing how the university's registered trademarks (including official colors) are to be used before production or purchase of the merchandise can proceed. For additional information on licensing and use of UMES' registered names, logos and trademarks, contact the Student Experience or the Office of University Relations.

**Approval will be granted if –**

1. The proposed activity provides a clear benefit to the university, consistent with its purpose, aiding the achievement of the university's educational objectives, and
2. Does not unreasonably interfere with the operation of the campus, and; is not prohibited by law.

**Examples of a clear benefit to the university include the following:**

1. To provide educational experience for students participating in the management of certain auxiliary enterprises or appropriate university activities;
2. To present recreational, cultural, or educational programs that are unique or that would not be available without co-sponsorship (e.g., a "wellness fair" co-sponsored by the health center and local businesses);
3. To enhance student recruitment or other public relations programs (e.g., use of campus facilities by non-university organizations sponsoring youth programs);
4. To permit printing of certain publications the university would not otherwise afford (e.g., athletic event schedules or theatrical programs);
5. To provide products or services the campus could not otherwise make available (e.g., trophies, class rings, specialty items).

**IV. Regulations**

The benefits of the proposed activity must outweigh any negative consequences for the university, for example:

1. Solicitation may not interfere or compete with the operations of University of Maryland Eastern Shore or contractual relations with its affiliates; or infringe upon the university's trademarks or other intellectual property rights.
2. Solicitation activities may not interfere with instruction, the orderly operation of the university and the maintenance of its grounds; obstruct the free flow of pedestrian or vehicular traffic; use sound amplification equipment; or in any way interfere with the rights of other persons on university property.
3. False, misleading, or illegal claims are prohibited, and solicitors may not make any representation, implied or direct, that indicates an endorsement or guarantee of products or services by University of Maryland Eastern Shore.
4. Credit card solicitation is prohibited.
5. Requests for permission to solicit are granted for a specified period, in specified locations.
6. Solicitation activities may not constitute a clear and present danger jeopardizing public or individual safety.

**Miscellaneous provisions:**

1. In exchange for the opportunity to solicit sales on campus the university may charge, at its discretion, a fee.

2. Individuals or organizations who wish to distribute materials must provide their names and contact information to the Executive Director of Student Experience, as well as a copy of the materials to be distributed. The materials must clearly indicate the name of the sponsoring person or organization.
3. Solicitors must be properly licensed or otherwise permitted by an appropriate governmental body.
4. This policy does not apply to private sales between individuals when there is no attempt to solicit or sell to the general campus population.
5. This policy does not apply to advertisements in the campus newspaper or any university publication.

## **V. Solicitation**

Solicitation shall include any undertaking of an individual or organization which attempts to promote the sale or use of a product or service. Specifically, this policy addresses the following:

1. Soliciting on campus (door-to-door or office to office) may not interfere with normal university operations,
2. Soliciting in the local communities must be approved by the Executive Director of Student Experience.
3. There shall be no soliciting of funds, prizes, or awards for scholarships, loans, grants, equipment, supplies, or other purposes unless it is approved by and in cooperation with the Office of Student Experiences.
4. Solicitation in or on all campus facilities (buildings and grounds) by for-profit corporations, non-profit organizations, private individuals, or non-resident students is prohibited.
5. Personal solicitation through campus e-mail list serves is prohibited
6. Individuals and organizations wishing to speak publicly or distribute/post literature are prohibited from engaging in the sale of promotion of commercial good or services.

### **The following solicitation activities have been approved as exceptions to the policy.**

1. Solicitations by a Student Organization is permitted but must be conducted totally by a recognized student group. Co-sponsoring with a non-university group is prohibited.
2. Student organizations must contact the Office of Student Experience for approval.
3. A completed Fund-Raiser Approval Form is required prior to the initiation of the sales/solicitation event. Student organizations are required to adhere to all Student Experience policies regarding sales and fund raising.

## **VI. Violations of this Policy**

In the case of a violation of this policy, individuals or organizations attempting to display or distribute and/or sell unauthorized materials on campus, or use campus facilities for such activity, will have their permission to engage in solicitation revoked, and future requests may be canceled or denied. Solicitors, not affiliated with the University of Maryland Eastern Shore, will be asked to leave the campus by the University Police and will be subject to appropriate legal action.

## **VII. Advertisements**

The following policies apply to the display and distribution of printed materials in all areas of the university campus:

Advertisements by commercial organizations, either as groups or through student representatives, are not allowed on the campus unless they advertise specific registered student organization functions. This implies sponsorship and/or co-sponsorship, which minimally includes, but is not limited to, direct participation in planning, coordination and implementation by members of the sponsoring organizations.

1. Individuals and organizations attempting to display or distribute and/or sell unauthorized materials on campus, or use campus facilities for such activity, will be removed from the campus by the University Police and will be subject to appropriate legal action.
2. Amplification equipment may not be used to advertise or promote sales in conjunction with any approved solicitation activity unless authorized in advance by the Executive Director of Student Experience.
3. Only individuals affiliated with the university (i.e. students, or student organizations, alumni) may distribute handbills, leaflets or any other type of printed materials, except as provided by law (persons not affiliated with the university, should read the Policy on Freedom of Speech);
4. Student election campaign literature must conform to the procedures outlined in the Election Process outlined by the Office of Student Experience;
5. Printed materials may not be placed on State owned vehicles/equipment, or vehicles parked in University parking lots or on vehicles in motion without permission of the vehicle owners;
6. Printed materials such as handbills and leaflets may not be distributed within University buildings;
7. Printed materials shall not violate any local, state, or federal law; Printed materials shall not include the use of obscenities, libelous statements, or “fighting word” as defined by law.

### **Use of Bulletin Boards**

Posters, signs, and announcements may be displayed only on university announcement bulletin boards designated specifically for use by students, registered student organizations, university departments, alumni, and faculty/staff. Bulletin boards will be cleared periodically.

1. Posters, signs and announcements shall not exceed a maximum size of 18” x 24”;
2. Posters, signs, and announcements shall not promote the use of alcoholic beverages, tobacco, or illegal drugs, credit cards, or promote unauthorized sponsorship by UMES;
3. Posters, signs, and announcements shall not violate any local, state or federal law; and
4. Bulletin boards belonging to academic and administrative Departments are for official university use only. Posters, signs, and announcements may not be displayed without consent of the appropriate department.

### **Violations**

A student or registered student organization violating regulations governing solicitations, advertising, and printed materials is subject to the disciplinary sanctions, conditions, and/or restrictions outlined in the Code of Student Conduct. Solicitors, not affiliated with the University of Maryland Eastern Shore, will be asked to leave the campus by the University Police and will be subject to appropriate legal action.



*Division of Enrollment Management and Student Experience*

## **UMES ALCOHOL POLICY**

### **Policy Regarding the Possession and Consumption of Alcoholic Beverages on the Campus of the University of Maryland Eastern Shore**

#### **I. PURPOSE**

The University of Maryland Eastern Shore permits alcohol to be consumed at special activities and programs and in the privacy of residence hall rooms subject to applicable law and University policy. This policy is designed to promote the positive use or nonuse of alcoholic beverages in a responsible manner.

#### **II. SCOPE**

University policies concerning the possession and consumption of alcoholic beverages do not contravene federal, state, or municipal law regarding their purchase, possession or consumption. This policy is applicable to students and student organizations and to all programs, events sponsored by the university as well as property owned or leased by the university.

#### **III. PROHIBITED BEHAVIOR**

- A. In accordance with Maryland law, it is illegal for any person under 21 years of age to purchase, possess or consume, or for anyone to aid or abet such a person in purchasing or consuming any alcoholic beverages.
- B. Alcoholic beverages are not permitted to be sold by any person, organization or corporation on the campus of the university, including property leased by the university. Unless authorization is given by the appropriate University authority (i.e., Office of Student Experience).
- C. It is unlawful for any person to drink alcoholic beverages or to offer a drink to another person or persons, whether accepted or not, on any public road or street, parking lot, sidewalk or other publicly owned or leased place.
- D. State funds and student fees collected by the university cannot be used to purchase alcoholic beverages.

The University of Maryland Eastern Shore abides by Maryland State laws and statues. Students 21 years of age and older may possess and consume beverages within the privacy of their bedroom or private living area. No drinking is allowed in the common rooms of suites or apartments if anyone under the age of 21 is present; even residents that live there. However, it is important to note that a student 21 years of age and older sharing a room with an underage student cannot possess and/or consume alcohol beverages within the privacy of their bedroom or private living area; and moreover, students 21 year of age and older, if sharing a room with a student under 21, may not store/house alcohol beverages in said living area. Students are subject to an alcohol fee, of \$100.00, and may face student conduct action.

Residents who are under 21 years of age are not allowed to host parties with alcohol regardless of the guest's age. Non-UMES students and UMES students living off-campus are not allowed to bring alcohol into residential facilities. The Office of Residence Life staff reserves the right to stop people from bringing alcohol into the building(s). No alcohol is permitted or shall be stored in the common areas of residence halls (i.e., bathrooms, kitchens, balconies/porches, lounges, living rooms, laundry rooms, etc.).

A student and his/her guest may be required by University personnel to open all backpacks, bags, coolers and other containers when entering a residence hall. This procedure is a safety and security measure, which prevents unwanted or unauthorized materials from being brought into the halls. All students' cooperation with staff requests is expected and appreciated. A resident and his/her guest may be denied entrance if they choose not to cooperate with this request.

In accordance with University Policy, alcoholic beverages may not be consumed in public areas, including hallways, lounges, and apartment balconies/porches or outside buildings. The sale of any alcoholic beverage on the UMES campus is prohibited. Students are not permitted to possess kegs, or any other containers designed to hold large volumes of alcohol than what is found in common source containers. Students are not allowed to construct or own a table used for the purpose of alcohol related games, including but not limited to: beer pong, flip cup, card games, quarters, etc.

### **Alcohol Policy Violations Fines and Penalties**

**First Violation** Mandated to the ATOD Prevention Center to complete BASICS (Brief Alcohol Screening Intervention for College Students and parental notification for underage violators).

*Policy Violation Fine:* \$100  
*BASICS Fee:* \$100

**Second Violation** Referred to off campus Substance Abuse Treatment Program  
 Student placed on probation for one academic semester

*Policy Violation Fine:* \$150  
*Off Campus Substance Abuse Treatment Program: Agency determines fee/pay*

**Third Violation** Conduct Hearing (Potential removal from Campus Housing and/or suspension from the University)

*Policy Violation Fine:* \$200

**NOTE:** *Fees are subject to change. Contact the Office of ATOD for current fees.*



*Division of Student Affairs*

**BYSTANDER CONDUCT: THE GOOD SAMARITAN POLICY**

UMES encourages students to offer help and assistance to others in need. The purpose of the Good Samaritan Practice is to provide care for others in a safe manner. When any student observes another student in need of medical attention, the right thing to do is to call for medical help.

Any student, (Good Samaritan), seeing a student in a medical emergency, is asked to immediately call University Police and/or 911. AFTER calling 911, please contact University Police to assist while waiting for medical emergency professionals to arrive. If you are unsure if a person's life is in danger, but you think it might be, make the call.

Generally, students are expected to refrain from being in the presence of others who are violating University policies and rules. Students may be held accountable for their actions even if they are not participating in prohibited conduct. This includes but is not limited to: students who are in the presence of others using alcohol or drugs in violation of University policy, even if they are not using alcohol or drugs themselves. Immediate action should always be taken when someone's health or safety is in danger, due to drugs or alcohol consumption. Students are expected to promptly report conduct or activity which poses a danger to the community or its members.

**Self-Reporting and Bystander Intervention:** The Good Samaritan Practice supports students who act responsibly by reaching out for assistance in the case of a medical emergency. If a student reports a drug or alcohol related medical emergency that results in the reporting student incriminating him or herself, in certain circumstances the reporting student may be given immunity and may not be subject to disciplinary sanctions.

**Bystander Conduct: The Good Samaritan Practice**

UMES encourages students to offer help and assistance to others in need. The purpose of the Good Samaritan Practice is to provide **prompt and immediate** care in a safe manner, **even if the student offering assistance, is themselves involved in the questionable behavior.** The right thing to do is to call University Police and/or 911. AFTER calling 911, please contact University Police to assist while waiting for medical emergency professionals to arrive. If you are unsure if a person's life is in danger, but you think it might be, make the call.

Generally, students are expected to refrain from being in the presence of others who are violating University policies and rules. Students may be held accountable for their actions even if they are not participating in prohibited conduct. This includes but is not limited to: students who are in the presence of others using alcohol or drugs in violation of University policy, even if they are not using alcohol or drugs themselves. Immediate action should always be taken when someone's health or safety is in danger, due to drugs or alcohol consumption. Students are expected to promptly report conduct or activity which poses a danger to the community or its members.

The Good Samaritan Practice supports students who act responsibly by reaching out for assistance in the case of a medical emergency. If a student reports a drug or alcohol related medical emergency that results in the reporting student incriminating him or herself, in certain circumstances the reporting student may be given immunity, under the **Good Samaritan Practice** and may not be subject to disciplinary sanctions.

**Note:** *The Good Samaritan Policy applies only to alcohol or other drug-related medical emergencies and does not apply to other university conduct violations such as assault, property damage, or distribution of illicit substances. If other conduct violations occur, then a student will be cited for those violations. The Good Samaritan Policy does not protect students from criminal, civil, or legal consequences for violations of Federal, State, or Local law.*



## **SMOKING POLICY**

### **UMES GUIDELINES AND POLICY ON SMOKING**

It is UMES' goal to promote the good health and comfort of its employees. Maintenance of a smoke-free work environment can contribute toward the attainment of that goal. Therefore, smoking is not permitted in any UMES building or facility. Smoking is not permitted on UMES property except in designated areas around the campus perimeter. In addition, smoking is not permitted in any UMES shuttle bus or other UMES vehicle.

### **POLICY**

In compliance with Executive Order 01.01.1987.13, issued by the Governor of Maryland, and in accordance with the above USM Policy on Smoking at USM Institutions, it is the policy of UMES to provide a healthful working environment on the UMES campus. UMES has attempted to consider the needs and concerns of both smokers and non-smokers in the development of this policy which applies to all employees, students and visitors to the campus.

### **I. PROHIBITIONS ON UMES PROPERTY**

Smoking is prohibited in the following areas:

A. Consistent with Maryland law, smoking is not permitted in any UMES building, including academic buildings, residence halls, administrative buildings, and other enclosed facilities, and smoking is not permitted in State vehicles owned by UMES;

B. Smoking is prohibited on UMES grounds and property, including walkways, parking lots, and recreational and athletic areas except as provided below; and

C. The sale of tobacco and smoking-related products is prohibited on institution property.

Smoking in and on UMES property will be permitted only as follows:

A. In designated smoking areas around the perimeter of the campus. Smoking areas are designated by signs and smoking must be limited to the immediate area;

B. For controlled research, and educational, theatrical, or religious ceremonial purposes, with prior approval of the President or the President's designee; or

C. Subject to any other exception to this policy recommended by the President and approved by the Chancellor.

### **II. IMPLEMENTATION**

A. The Vice President for Administrative Affairs shall direct the Physical Plant Department to post smoke-free campus signs where smoking is prohibited and place appropriate signs and receptacles where smoking is permitted as mapped around the campus perimeter (Attachment 1);

B. Each employee shall have access to the Smoking Policy on the UMES website and each new employee shall receive the policy as part of the orientation process;

- C. The smoking policy shall become part of the student and employee handbooks; and
- D. All members of the campus community share in the responsibility of implementing this policy and are expected to bring it to the attention of visitors to the campus.

### **III. ENFORCEMENT**

#### **A. Supervisors**

Supervisory personnel shall handle conflicts arising from the implementation of the Smoking Policy using the same procedures used to address other conduct violations.

#### **B. Building Managers**

Building Managers shall enforce this policy and report any violation using the Violation Report Form (Attachment 2).

#### **C. Reporting Violations**

Individuals who feel that there has been a violation of this policy should complete and submit the Violation Report Form (Attachment 2).

#### **D. Penalties**

1. Faculty/staff/students that violate this policy are subject to disciplinary action and are subject to a progressive fine: \$25 first offense, \$50 second offense, and \$75 third offense and subsequent offenses. The initial fine can be waived if the individual registers in and successfully completes a smoking cessation seminar.
2. Visitors will be warned initially and directed to extinguish. Refusal to extinguish or resuming smoking can result in denied access in the future.

### **IV. Smoking Cessation Assistance**

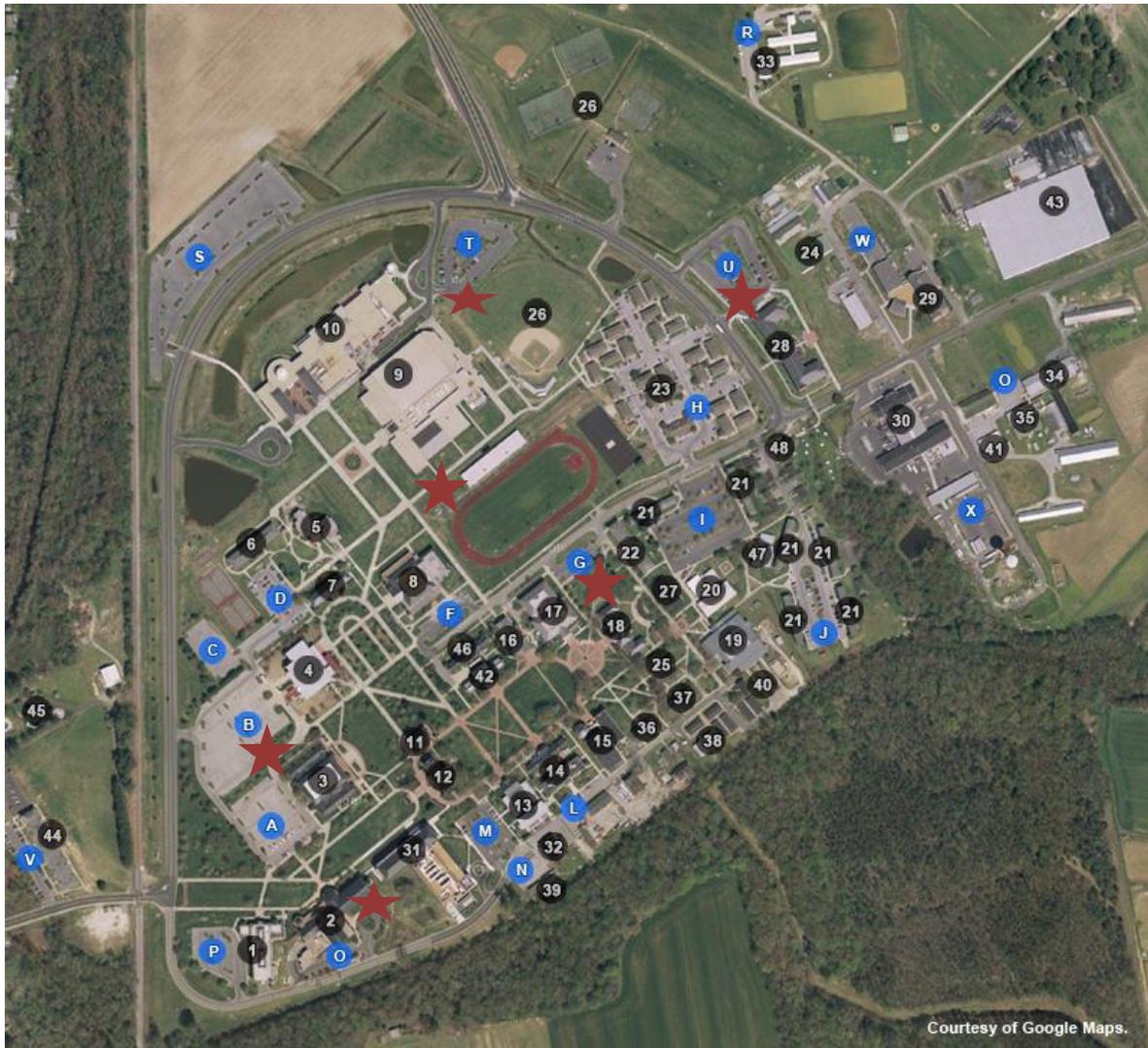
A. UMES will make available smoking cessation assistance to students, faculty and staff, which may include opportunities to participate in smoking cessation seminars, classes, and counseling and the availability of smoking cessation products and materials.

#### **B. Smoking Cessation Information:**

1. The UMES President has designated the UMES Assistant Director of Human Resources as the individual to answer faculty/staff questions, refer employees to resources, and otherwise provide information about smoking cessation options and opportunities.
2. The UMES President has designated the Director of the Alcohol, Tobacco and Other Drug Prevention Center as the designee to answer student questions, refer students to resources, and otherwise provide information about smoking cessation options and opportunities.

**APPROVED BY THE PRESIDENT ON JUNE 26, 2013**

## Campus Map with Designated Smoking Areas



Designated smoking areas

Designated Smoking Areas: Moving clockwise from the top to bottom; smoking will only be permitted in these areas marked with signage.

- Behind the Food Science and Technology Building.
- Between Plaza Hall and the Frederick Douglass Library by the parking lot.
- Behind Hazel Hall.
- Beside the Student Development Center.
- Between the William P. Hytche Athletic Center and Cappy Anderson Stadium.
- Between the Student Services Center and the William P. Hytche Center.

### Hazing Policy & Liability Waiver

“The State of Maryland, in Article 27, s268, defines “Hazing” as, doing any act or causing any situation which recklessly or intentionally subjects a student to the risk of serious bodily injury for the purpose of initiation into student organization of a school, college, or university.” “Violation constitutes misdemeanor; penalty - A person who hazes a student so as to cause serious bodily injury to the student at any school, college, or university is guilty of a misdemeanor and, upon conviction, is subject to a fine of not more than \$500, or imprisonment for not more than 6 months, or both.” “Consent of student not a defense. The implied or expressed consent of a student to hazing may not be a defense under this section (1985, Ch. 153).”

UMES further defines “HAZING” as, doing any act or knowingly participating in, or causing any situation that subjects a student to the risk of serious injury, including physical injury and mental or emotional stress, for the purpose of initiation into a student organization of a school, college or university.

#### **Prohibition and Sanctions**

- Hazing as defined in this policy is prohibited.
- Organizations found to be in violation of this policy may lose their status as recognized student organizations of the University.
- Individual members who are found to be in violation of this policy are in violation of the Conduct Code and may be disciplined in accordance with the University’s disciplinary procedures.
- The negligence or consent of a student member of an organization or any assumption of risk by a student member of an organization is not a defense to an action brought pursuant to this policy.
- The negligence or consent of individuals joining an organization or any assumption of risk by an individual joining an organization is not a defense to an action brought pursuant to this policy.
- The penalty for hazing as defined by this policy shall be determined through the conduct process and may include expulsion.
- The following are examples of actions, which might constitute hazing:
  - Paddling;
  - Requiring or compelling excessive exercise and calisthenics;
  - Involuntary excursions;
  - Requiring or compelling excessive exposure to elements;
  - Verbal harassment; and/or
  - Requiring forced consumption of any liquid or solid substance or drugs, or the forced inhalation of any substance.

#### **STUDENT HAZING LIABILITY WAIVER**

I, \_\_\_\_\_, attest that I have read and fully understand the Hazing Policy for University of Maryland Eastern Shore (UMES). Further, I attest that I will not take part in any manner or form of hazing as defined by the Hazing policy. Nor will I allow myself to be hazed by any member of the University of Maryland Eastern Shore community or any person or club/organization in association with the UMES club/organization in which I am a member or potential member. It is my understanding that if I should take part in any form of hazing, I am one-hundred percent responsible and liable for my actions. Further, the University is not responsible or liable for any damages, claims or actions based upon my conduct. By signing my name below, I confirm that I fully understand both the Hazing policy and this Liability Waiver; and agree and will abide by these policies as expressed:

\_\_\_\_\_  
(Signature of student)

\_\_\_\_\_  
UMES ID

\_\_\_\_\_  
(date)



*Division of Student Affairs*

*Office of Student Experience*

**Hazing Policy & Liability Waiver**

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- The negligence or consent of individuals joining an organization or any assumption of risk by an individual joining an organization is not a defense to an action brought pursuant to this policy.
- The penalty for hazing as defined by this policy shall be determined through the conduct process and may include expulsion.
- The following are examples of actions, which might constitute hazing:
  - Paddling;
  - Requiring or compelling excessive exercise and calisthenics;
  - Involuntary excursions;
  - Requiring or compelling excessive exposure to elements;
  - Verbal harassment; and/or
  - Requiring forced consumption of any liquid or solid substance or drugs, or the forced inhalation of any substance.

**Organization/Advisor Hazing Liability Waiver**

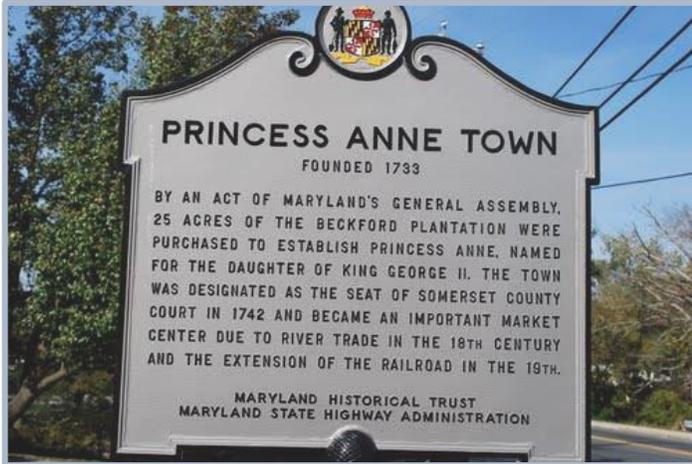
As President/Advisor of \_\_\_\_\_

fraternity/sorority/organization I, \_\_\_\_\_, attest that I have read and fully understand the Hazing Policy for University of Maryland Eastern Shore (UMES). Further, I attest that as President/Advisor of this organization, I/we will not take part in any manner or form of hazing as defined by the Hazing policy. It is my/our understanding that if the organization should take part in any form of hazing, I/we are one-hundred percent responsible and liable for our actions as an organization, advisor, or as individual members. Further, we acknowledge the University is not responsible or liable for any damages, claims or actions based upon the conduct of this organization, the advisor or individual members. By signing my name below, I confirm that this organization, to which I am President/Advisor, fully understands both the Hazing policy and this Liability Waiver; and agree and will abide by these policies as expressed herein:

\_\_\_\_\_  
*Signature of Organization President/Advisor*

\_\_\_\_\_  
*UMES ID*

\_\_\_\_\_  
*Date*



## Town of Princess Anne's Neighborhood Nuisances and Unruly Social Events Ordinance

*New law brings \$500 fine, possible  
eviction*

Revised: 07-21-2020

The Town of Princess Anne passed a new law in April 2016 to provide neighborhoods with a more effective tool to address the problems emanating from loud and unruly house parties. Under the new law, police can now write a civil citation on the spot, similar to a speeding ticket, to the property owners, property managers, occupants, and/or tenants when a loud and unruly party takes place.

### **Unruly Social Event**

A party or gathering of two or more people on private property at which:

- A. Alcohol beverages are consumed by, furnished to, or possessed by any underage person in violation of law; or
- B. The conduct creates a disturbance of the peaceful enjoyment by others of private or public property, including:
  1. Excessive noise, including as described in Chapter 101 or other applicable law;
  2. Obstruction of public rights-of-way by unruly crowds;
  3. Public drunkenness;
  4. Assaults, batteries, or other disorderly conduct that disturbs the public peace;
  5. Vandalism of public or private property;
  6. Littering;
  7. Public urination;
  8. Excessive traffic that is significantly in excess of the normal amount of pedestrian and vehicle traffic for the day, date, and time of day for the zoning district;
  9. Use of a controlled substance by any person at the gathering; or
  10. Any other conduct that constitutes a threat to the public health, safety, or general welfare.



### **Persons Responsible**

The owner, operator, tenant, or occupant of, or the holder of any possessory interest in those premises,

Whether alone or jointly with any other person, including a person, including, including a person who organizes, supervises, or conducts an unruly social event.

### **Duties of persons responsible, owners or operators, and parents of juveniles.**

- A. Person responsible
  - 1) Every person responsible for any premises is required to maintain, manage, and supervise the premises and all persons on or in the premises in a manner so as not to violate the provisions of this chapter.
  - 2) A person responsible for any premises remains liable for a neighborhood nuisance or an unruly social event even if that person was not present during the nuisance activity or the unruly social event.
- B. Owners or operators. An owner or operator of the premises remains liable for violating this subtitle regardless of any contract or agreement with any third party regarding the premises.
- C. Parents of juveniles. If the person responsible for the premises on or in which a neighborhood nuisance or an unruly social event occurs is a juvenile, then the juvenile and the parents of the juvenile are jointly and severally liable for paying the penalties and response costs imposed by this chapter.

### **Neighborhood Nuisance**

Any premises on or in which an owner, operator, tenant, or occupant for the holder of any possessory interest in those premises:

- A. Acts in a disorderly manner that disturbs the public peace; or
- B. Creates or maintains conditions that let others act in a disorderly manner that disturbs the public peace.

### **Penalties for Responsible Persons**

- 1) Single violations: \$500 fine
- 2) Repeat violations within a twelve-month period: \$1000.



### **Defense for Owners**

Property owners or operators can defend themselves from any fine if:

- They didn't authorize, know about, or participate in the event, and they prove:
  - a. They evicted the tenant(s), or
  - b. They filed court proceedings to evict the tenant(s), or
  - c. They have not received more than three violations for the same dwelling unit within a 12-month period.



## Division of Enrollment Management and Student Experience

University of Maryland Eastern Shore		
Drug Sanctions		
These are minimum sanctions for University of Maryland Eastern Shore students. Sanctions may be increased based on past disciplinary record, the severity of behavior and/or the impact upon the community. The University encourages students to engage in healthy decision making and report inappropriate behavior that is in violation of our Code of Student Conduct.		
OFFENSE	VIOLATION	SANCTIONS
<b>1<sup>ST</sup></b>	Being in the presence of drugs	*Parental Notification *Disciplinary Probation Education Program (\$100 fee) *Bystanders 1 <sup>st</sup> Offense (\$150 fee) *Community Service *Loss of Campus Privileges
	Possession of drug paraphernalia	*Parental Notification *Disciplinary Probation Education Program (\$100 fee) *Individual 1 <sup>st</sup> Offense (\$200 fee) *Community Service *Loss of Campus Privileges
	Sale, manufacture, delivery, distribution of drugs	*Zero Tolerance (non-negotiable) *Parental Notification *Permanent Dismissal
<b>2<sup>nd</sup></b>	Being in the presence of drugs	*Parental Notification *Disciplinary Probation Community Service (40 hours) *Loss of University Housing if incident occurs in housing (No Refund) *Loss of Campus Privileges *Individual 2 <sup>nd</sup> Offense (\$300 fee)
	Possession or consumption of drugs	*Parental Notification *Disciplinary Probation Community Service (80 hours) *Loss of university housing in incident occurs in housing (No Refund) *Individual Offense (\$400 fee) *Drug Treatment Program and/or suspension (1 semester)
<b>3<sup>rd</sup></b>	Being in the presence of drugs	*Parental Notification *Loss of University Housing if incident occurs in housing (No Refund) *Loss of Campus Privilege *Drug Treatment Program *Suspension (1 AY)



## Division of Enrollment Management and Student Experience

### Off Campus Violations

The University of Maryland Eastern Shore addresses off campus violations 1) to prevent and reduce behavior that undermines student academic success and that impacts the educational mission of the university, 2) to improve the health and safety among students and community members, 3) to provide timely support and resources for those who may be struggling with substance abuse/addiction, 4) to prevent violence in and around the UMES campuses.

The University of Maryland Eastern Shore does have the legal right to set expectations and to hold students responsible for violating these standards off-campus. UMES approaches off-campus violations as a community standard issue, paying special attention to high-risk patterns of behavior, with an underlying focus on our care for student health and safety.

### **Here are a few commonly asked questions concerning off-campus violations:**

#### **Does the Office of Student Conduct and Community Standards address all off-campus violations?**

No, the Office of Student Conduct and Community Standards only handles off-campus violations that interfere with the mission of the university by impacting the health and safety of students and the surrounding community. The primary types of off-campus violations referred to the Office of Student Conduct and Community Standards include but not limited to:

- a. Felony charges;
- b. Act of harm charges, including, but not limited to, assault, harassment, or threats;
- c. Driving while impaired (DWI) charges or charges of driving by individuals less than twenty-one (21) years old after consuming alcohol or drugs;
- d. Repeated or high-risk alcohol misdemeanor charges;
- e. Repeated or high-risk drug misdemeanor charges; and
- f. Activities of a student or group of students that clearly conflict with the University's interests and mission, including, but not limited to, patterns of behavior that put the health and safety of others at risk or show disregard for the policies of the University.

#### **Why did UMES decide to enforce off-campus violations?**

The decision to enforce the policy was 1) to prevent and reduce behavior that undermines student academic success and the impacts the educational mission of the university, 2) to improve the health and safety among students and community members, 3) to provide timely support and resources for those who may be struggling with substance abuse/addiction, and 4) to prevent violence in and around UMES's campus.

UMES does have the right to set expectations and to hold students responsible for violating these standards off-campus. UMES approaches off-campus violations as a community standard issue, paying special attention to high -risk patterns of behavior, with an underlying focus on our care for student health and safety.

**What occurs when students receive first-time alcohol or other drug misdemeanor charges off-campus?**

If a student has not previously violated the Code of Conduct on-campus or received off-campus charges, they will not be referred to the Office of Student Conduct and Community Standards for low level alcohol or other drug misdemeanor charges. Instead, they will receive a Letter of Concern from the Office of Student Conduct and Community Standards. The purpose of this letter is to communicate that UMES cares about the health and safety of our students and the community; to provide substance abuse prevention resources; and to educate about the University's authority and jurisdiction in addressing off campus violations. Students who receive future off-campus charges, will be referred to the Office of Student Conduct and Community Standards.

**How does the Office of Student Conduct receive information about off-campus violations?**

The UMES Police Department provides the Office of Student Conduct and Community Standards with daily reports from the Somerset, Worcester, Wicomico, Talbot, Cecil, Dorchester, Caroline, Queen Anne, Kent, surrounding Virginia Counties Accomack and North Hampton. The Office of Student Conduct and Community Standards reviews these reports and identifies all incidents referred in question one (1). The names of those charged with these violations are then checked against UMES's records to identify currently enrolled students.

If a student is legally charged outside of Somerset County and surrounding counties the University may receive notification through several avenues and will consider at that time whether to address the behavior.

**Doesn't addressing off-campus violations involve double jeopardy?**

Some violations of the Code of Student Conduct are also violations of federal, state, or local law. Students may face both criminal charges and University disciplinary action. This does not constitute double jeopardy. Double jeopardy is defined as a person being tried again for the same offense after being acquitted. (<http://definitions.uslegal.com/d/double-jeopardy/>)

UMES's disciplinary process is not a criminal process. In other words, its process is separate from, and does not involve, legal proceedings. Consequently, holding students accountable for off-campus violations of the Code of Student Conduct is not considered double jeopardy.

**What happens if my case is dropped in court?**

Because the conduct process at UMES is separate from the legal system, and utilizes a different standard of proof, outcomes from the court system are not acceptable challenges to the outcomes in the Office of Student Conduct and Community Standards. Students referred to the Office of Student Conduct and Community Standards will still be expected to attend Conduct Pre-conference for violating the Code of Student Conduct.

**If a student is assigned similar sanctions in the court system and the Office of Student Conduct and Community Standards (such as community service or counseling), can a completed sanction for one entity be applied towards the other?**

Yes. If a student receives the same or similar sanctions/outcomes in the court system and the Office of Student Conduct and Community Standards, fulfillment of the court system sanction may satisfactorily complete the Office of Student Conduct and Community Standards sanction. However, if both entities require different outcomes, students must complete all the requirements for both. The Office of Student Conduct and Community Standards does not extend deadlines for a sanction on the basis that the case has not been heard through the court system.

## WHAT IS SOCIAL MEDIA?

The definition of “social media” is broad and constantly evolving. The term generally refers to an “Internet-based tool that allows individuals and communities to gather and communicate with some purposes of sharing information, ideas, personal messages, images, and other content.” In some cases, “to collaborate with other users in real time.” Social media are also referred to as “Web 2.0” or “social networking.”

**Understanding the code of “Social Media” at the University of Maryland Eastern Shore**  
Whether you are on campus or off campus, offline or online, it's crucial that you show respect at all times to students, faculty, staff and the surrounding community of the University. Remember, your social media actions can still violate University policy, even if you are not physically on campus and still be judicial by law.

Smart use of social media can benefit your studies, help you find employment, and enrich your personal and social life, but there are also risks and dangers. The below “do’s and don’ts” keep you from becoming a victim of identity theft, character defamation and breaking the law yourself.

As a starting point to using social media safely and effectively, we recommend that you read the University's Student Code of Conduct. The code of conduct applies to your use of social media wherever you are identifiable as a UMES student, and if you breach the code of conduct, our disciplinary procedure may be applied.

### **Am I On Social Media?**

Social media are web-based services or sites that provide a variety of features that serve different purposes for the individual user. They may include blogs, social networks, video- and photo-sharing sites, wikis, or a myriad of other media, which can be grouped by purpose, serving functions such as:

- Social networking (Facebook, snapchat, Google Plus, Twitter, Instagram ie.)
- Professional networking (LinkedIn)
- Media sharing (YouTube, Flickr)
- Content production (blogs [Tumblr, Blogger] and microblogs [Twitter])
- Knowledge/information aggregation (Wikipedia)
- Virtual reality and gaming environments (Second Life)

### **Do for Social Media:**

- Think before you post. Your posts will be visible to anyone, anywhere and at anytime
- Be respectful and courteous always
- Read and adhere to the site's terms and conditions
- Check the site's privacy policy before signing up
- Consider what personal details you provide, as you could expose yourself to identity theft
- Use different passwords for different accounts
- Manage your accounts' privacy settings and take control of who sees what
- Create an employer-friendly online profile to strengthen your job applications.  
Prospective employers do often look at social media profiles when considering

applications, and an active social media presence can demonstrate your interest and engagement in the profession/industry

- Build a network. Following influential people and engaging in discussion may benefit your studies and future professional life
- Manage your time effectively. Updating many social media accounts can be time-consuming, so consider using services that automatically post to different platforms
- Encourage others to share your content by adding social share buttons to your online channels
- Protect your intellectual property. For example, pictures you upload to social media may be used by the site for their own advertising – check the site's terms and conditions for details
- Check the copyright of images and other content you post, before you post it

**Don'ts for Social Media:**

- Post anything online that you wouldn't say in public
- Post content that could be understood to be:
  - bullying
  - discriminatory
  - harassing
  - offensive
  - threatening
  - obscene
- Post defamatory content (content that may be untrue and that could harm the reputation of an individual or organization)

As a student of the University of Maryland Eastern Shore, you are a leader and for some, a role model for future entrants, and other students presently earning their degrees from YOUR alma mater. Let's not forget about YOUR future supervisors that may be viewing your social media. Please be respectful of others on social media. If you have concerns about your social Media presents, please contact the Office of Student Conduct and Community Standards at (410) 651-7850.