

because of the summary suspension and allowed a reasonable time to make-up academic work that was missed or impacted by the suspension.

### **Summer School**

The judiciaries of the University during summer school sessions shall function in each instance in the same manner as authorized for the regular school year. Temporary Judicial 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 the summer school. The authority of the summer school judiciaries 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.

### **Judicial Suspensions, Expulsions, and Refunds**

Students who are suspended or expelled from the University for Disciplinary Reasons shall not be entitled to any refund of tuition or fees. Similarly, students whose housing or boarding contracts are terminated for disciplinary reasons shall not be eligible for refunds.

### **Procedures for Readmission Following Judicial Suspension**

Students who are suspended must apply in writing for readmission after the period of suspension. *Request for Readmission* forms can be obtained from the Office of the Registrar. A student suspended will be considered for readmission only after filing the *Request for Readmission Form*, with all supporting documents (i.e., medical clearance form/release, etc.).

### **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 age eighteen (18) receive disciplinary sanctions for abuse and/or misuse of alcohol, and drugs, or for arrest.

#### **1. Academic Dishonesty**

Academic dishonesty is defined to include any form of cheating and/or plagiarism. Cheating includes, but is not limited to, such acts as stealing or altering testing instruments; falsifying the identity of persons for any academic purpose; offering, giving, or receiving unauthorized assistance on an examination, quiz, or other written or oral material in a course; or falsifying information on any type of academic record. Plagiarism is the presentation of written or oral material in a manner which conceals the true source of documentary material; or the presentation of materials which uses hypotheses, conclusions, evidence, data, or the like, in a way that the student appears to have done work which he/she did not, in fact, do. In cases involving academic dishonesty, a failing grade or a grade of zero (0) for either an assignment and/or a course may be assigned. Students who are suspended for reasons of academic

dishonesty are not eligible for admission to other institutions within the University System of Maryland. Suspension for academic dishonesty is noted on a student's academic transcript (**see Academic Honesty in Student Handbook**).

- 2. Tampering with Safety Equipment**  
Tampering with 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.
- 3. Tampering with University Equipment**  
Tampering with and/or disabling any elevator, wiring, plumbing, telephone or computer line or system, or other University equipment so as to endanger oneself or others.
- 4. Computer Misuse and Dishonesty**  
The University considers any misuse of its computer systems to be a serious offense. 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.
- 5. Rioting, Breach of the Peace**  
Any student convicted in any state or federal court, or found responsible by a preponderance of the evidence, during a judicial hearing, of rioting, assault, theft, vandalism, arson, or breach of the peace, providing such misconduct was related directly or indirectly to University sponsored activities, including athletic events, will be suspended or expelled from the University. Students expelled in accordance with this provision shall not be admitted to any other institution in the System for at least one year from the effective date of his/her expulsion (**Approved by the Board of Regents on July 10, 2002**).
- 6. Forgery, Fraud, and Dishonesty**  
Student may not knowingly providing 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 judicial hearing panels; knowingly making false charges under the Judicial Code or of altering or falsifying official institutional records. Misrepresentation of oneself or of an organization will also be considered a violation of this section.
- 7. 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 **Substance Abuse Policy in Student Handbook**).

**8. Possession, Use, and/or Intent to Distribute (traffic) Drugs**

A student shall not possess or use illegal or controlled drugs, other substances or drug paraphernalia, as defined by the laws of the State of Maryland. No student shall sell or give such drugs or substances to any other person. Individuals who remain in the presence of individuals who engage in the illegal or abusive use of drugs, whether actively participating or not, will be subject to the same disciplinary action and sanctions as the offenders. The misuse and abuse of prescription drugs and inhalants is a violation of this Student Code of Conduct (see **complete UMES Drug Policy in Student Handbook**).

**9. 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, 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.

**10. Violence to Persons**

The University will not tolerate acts of violence to other persons by individuals or groups. Acts of violence include, but are not limited to assault, battery, and/or actions in reckless disregard of human life and safety. Assault include, but are not limited to verbal or written acts which place a person in personal fear or which have the effect of harassing or intimidating a person. Battery include, but is not limited to fighting and/or the unauthorized touching of another person.

**11. Theft, Vandalism, Destruction and Abuse of Property**

The University will hold students responsible for 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 property, in addition to other sanctions which might be imposed.

**12. Non-Compliance.** A student may be disciplined for:

- a. Willfully failing to comply with a proper order or summons when requested by authorized University officials;
- b. Willfully failing to comply with instructions of University officials acting in performance of their duties;

- c. Willfully failing to appear before a disciplinary committee upon request;
- d. Failure to provide student identification upon request;
- e. Failure to abide by or comply with University policies and procedures; or,
- f. Failure to comply with the housing/residence life contract.

### **13. Abuse of the Judicial System**

Abusing the judicial system includes but is not limited to:

- a. Failure to obey the summons of the Judicial Board or University Official;
- b. Falsification, distortion, or misrepresentation of information before a Judicial Board;
- c. Disruption or interference with the orderly conduct of a judicial proceeding;
- d. Attempting to discourage an individual's proper participation in, or use of, the judicial system;
- e. Attempting to influence the impartiality of a member of the Judicial Board prior to, and/or during, and/or after a judicial proceeding;
- f. Harassment (verbal or physical) and/or intimidation of a member of the Judicial Board prior to, and/or during, and/or after a judicial proceeding;
- g. Failure to comply with imposed sanction(s); or,
- h. Influencing or attempting to influence another person to commit an abuse of the judicial system.

### **14. 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 Judicial Administrator, and after a hearing, if that complaint is upheld; the student may be administratively withdrawn, 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 or recklessly causing physical harm or causing reasonable apprehension of such harm;
- c. Obstructing or disrupting teaching, research, administrative and public service functions;
- d. Obstructing or disrupting disciplinary proceedings or other authorized University activities;
- e. 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;
- f. 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,

- g. Trespass or unauthorized entry to any University premises, facility, property, or at a University-sponsored event or activity.

**15. Possession of Dangerous Weapons, Firearms, or Explosives on Campus**

Except for authorized use by law enforcement agencies and officials, the possession or use of dangerous weapons, firearms, or explosives is prohibited on University property. Prohibited weapons are those listed in the Maryland Code, including, but not limited to the following: BB guns, brass or metal knuckles, stun guns, pellet guns, rifles, air/gas guns, laser pointers, hand guns and multiple firing weapons, knives, straight razors, marshal arts weapons, any incendiary devices, biological agents, explosives, and ammunition.

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

Any violation of Residence Life and Housing/Rules and Regulations is subject to discipline under this Student Code of Conduct.

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

The use of cellular phones and pagers is expressly prohibited in academic classrooms and laboratories. All such telephones and pagers, which make noise, must be kept in the "Off" position while attending classes. Students in non-compliance may be asked to leave the classroom.

**18. Ticket Scalping**

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

**19. 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.

**20. Possession of Stolen Property**

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

**21. 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 is prohibited.

**22. Forcible Entry**

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

- 23. 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 is prohibited.
- 24. Falsely Reporting Fires**  
Falsely reporting fires or other emergencies, falsely setting off fire alarms or tampering with fire equipment is prohibited.
- 25. 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.
- 26. 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 is prohibited.
- 27. 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 voice or graphic means, or making a telephone call, anonymously, whether or not a conversation ensues.
- 28. Sexual Harassment**  
For the purpose of this Policy, the University adopts the sexual harassment definitions promulgated by the Equal Employment Opportunity Commission (EEOC) and the Office of Civil Rights of the United States Department of Education (OCR). Unwelcome sexual advances, unwelcome requests for sexual favors, and other behavior of a sexual nature constitute sexual harassment when **(VI-1.20 (B) - UMES GUIDELINES AND POLICY PROHIBITING SEXUAL HARASSMENT AND PROCEDURES FOR FILING COMPLAINTS CAMPUS POLICY: APPROVED BY THE PRESIDENT ON SEPTEMBER 27, 2000)**:
1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment by the University or an individual's participation in a program; or
  2. Submission to or rejection of such conduct by an individual is used as the basis for academic or employment decisions affecting the individual; or

3. Such conduct by an employee, by a student, or by a third party is sufficiently severe, persistent, or pervasive to:
  - a. limit an individual's ability to participate in or benefit from an educational program or activity;
  - b. create a hostile or abusive educational environment; or
  - c. have the purpose or effect of unreasonably interfering with an individual's work performance, or of creating an intimidating, hostile, or offensive work environment at the University.

**29. Sexual Assault I**

By stranger or acquaintance, rape, forcible sodomy, or forcible sexual penetration, however slight, of another person's anal or genital opening with any object. These acts must be committed either by force, threat, intimidation or through the use of the victim's mental or physical helplessness of which the accused is aware or should have been aware.

**30. Sexual Assault II**

By stranger or acquaintance, the touch of an unwilling person's intimate parts (defined as genitalia, groin, breast, or buttocks, or clothing covering them) or forcing an unwilling person to touch another's intimate parts. These acts must be committed either by force, threat, or through the use of the victim's mental or physical helplessness of which the accused was aware or should have been aware.

- Students who are victims of sexual assault shall be offered access to counseling through mental health services available at the institution, other victim service entities in the surrounding community, or the nearest state designated rape crisis program. After a sexual assault has been reported at the institution, and upon the request of the alleged victim, the victim shall be offered an alternative academic, living or employment situation if such alternative is available, feasible, and appropriate to the facts of the sexual assault reported.

**31. Smoking**

Pursuant to State law, smoking is prohibited in all state buildings, including residence halls.

**32. Identity 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; using, 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. Violating the Terms of a Sanction**

Violating the terms of any disciplinary sanction imposed in accordance with the

Student Code of Conduct will be grounds for further action under the Code.

- 34. Harboring**  
Knowingly harboring or transporting a fugitive from justice, or any individual who has been officially barred from the University or University sponsored activities, or for whom there is an outstanding warrant is prohibited.
- 35. Illegal Gambling or Wagering**  
Gambling or wagering in any form is not permitted on the University premises, without the prior approval of the Vice President for Student Affairs.
- 36. Misuse of Keys**  
Duplication or misuse of University keys or other access devices is a violation of the Code.
- 37. Violation of Criminal Codes of the Local, State, or Federal Governments**  
Actions or activities, on or off-campus, that violate criminal law also violate the Student Code of Conduct, and are subject to judicial action.
- 38. 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).**

### Sanctions

The purpose of judicial 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 Judicial Board and/or the Judicial 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.

Students who fail to complete their prescribed sanctions within the time allotted, may have their