

## CODE OF STUDENT CONDUCT



## OFFICE OF EXTENDED STUDIES

### **Terp Young Scholars-Online, CODE OF STUDENT CONDUCT**

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The Terp Scholars' *Code of Student Conduct* was created to ensure the safety and security of the University community. The code, seeks to balance the rights and responsibilities of all individuals within the community, and uphold the integrity and values of the University of Maryland. The *Code of Student Conduct* outlines behaviors that are inconsistent with University standards and expectations and sets forth applicable procedures and potential sanctions governing violations. Due to the high expectations the University has of its community members, responsibilities set forth in University policies may exceed federal, state, or local requirements.

When students choose to enroll in Terp Scholars at the University of Maryland, they accept the rights and responsibilities of membership in the University community both on and off campus and in the virtual environment. Students at the University of Maryland are expected to uphold the values of the University by conducting themselves in accordance with all policies and procedures

The Office of Extended Studies, under consultation with the Office of Student Conduct, provides a fair and balanced internal University process for resolving allegations of student misconduct. Students will be treated fairly and with dignity and respect without regard to race, color, sex, gender identity or expression, sexual orientation, marital status, age, national origin, political affiliation, physical or mental disability, religion, protected veteran status, genetic information, personal appearance, or any other legally protected status.

Violation of the *Code of Student Conduct* is subject to immediate dismissal from Terp Scholars. Decisions on disciplinary sanctions are the sole authority of the Manager of Programs, Associate Director of Programs and the Director of Programs, Office of Extended Studies.

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## I. Misconduct: Prohibited Conduct Policy

This list of prohibited conduct is provided to inform students, students groups, and student organizations of behaviors that are not permitted. The list should be read broadly and is not designed to define misconduct in exhaustive terms. Attempts to commit acts prohibited by the *Code of Student Conduct* may be sanctioned to the same extent as completed violations.

### **If You See Something, Say Something!**

As upstanding members of the University community, all students are expected to report any *Code of Student Conduct* violations to the proper authorities. Spectators, or persons in the presence, of a *Code of Student Conduct* violation who fail to report the violation, may be sanctioned to the same extent as those persons who actively participate.

### Offenses Against Persons

- a. Intentionally or recklessly causing physical harm to any person, or intentionally or recklessly causing reasonable apprehension of such harm.
- b. Engaging in hazing activities.
- c. Intentionally and substantially interfering with the lawful freedom of expression of others.

### Alcohol and Other Drug Offenses

Maryland and federal law define “Controlled Substance” and “Illegal Drug.”

- d. Unauthorized distribution of any controlled substance or illegal drug, or the production, manufacture, or possession of any controlled substance or illegal drug for purposes of unauthorized distribution.
- e. Unauthorized use, production, manufacture, or possession of any controlled substance or illegal drug.
- f. Providing alcohol or alcoholic beverages to a person under the legal age of consumption or possession.
- g. The illegal or unauthorized consumption, possession, or sale of alcohol or alcoholic beverages.
- h. Operating a motor vehicle while intoxicated or impaired by alcohol or other drugs.

### Property Offenses

- i. Theft of property, services, or resources, or the unauthorized use of services to which one is not entitled.
- j. Knowingly possessing stolen property.
- k. Intentionally or recklessly destroying, damaging, vandalizing, tampering with, or defacing University property or the property of others.
- l. Trespassing on or the unauthorized use of University facilities, property, or resources.

### Community Offenses

- m. Unauthorized on-campus or illegal off-campus use, possession, or storage of any weapon or explosive. The term “weapon” includes any object or substance designed to inflict a wound, cause injury, or incapacitate, including, but not limited

to, all firearms, pellet guns, switchblade knives, and knives with blades five or more inches in length.

- n. Intentionally initiating or causing any false report, warning, or threat of fire, explosion or other emergency.
- o. Rioting, assault, theft, vandalism, fire setting, or other serious misconduct:
  - i. Related to a University sponsored event, occurring on or off campus, that results in harm to persons or property.
  - ii. Which otherwise poses a threat to the stability of the campus or campus community. Such conduct may result in disciplinary action regardless of the existence, status, or outcome of any criminal charges in a court of law.
- p. Engaging in disorderly or disruptive action that interferes with University or community activities, including, but not limited to studying, teaching, research, and University administration.
- q. Internationally or recklessly misusing or damaging fire safety equipment.
- r. Unauthorized setting of fires on University property.
- s. Unauthorized use or possession of fireworks.
- t. Public urination or defecation.

#### Offenses Against University Operations

- u. Intentionally furnishing false information to the University.
- v. Marking, possessing, providing, or using any forged, altered, or falsified University document.
- w. Failure to comply with a directive of University officials, including law enforcement officials, acting in the performance of their duties.
- x. Knowingly violating the terms of any disciplinary sanction imposed in accordance with this *Code of Student Conduct* or by the Office of Extended Studies in accordance with other University policies.

#### Other Offenses

- y. Conviction, a plea of no contest, acceptance of responsibility or acceptance of sanctions in state or federal court for a crime (other than a minor traffic offense) not otherwise prohibited by the *Code of Student Conduct*.
- z. Making, possessing, providing, or using any forged, altered or falsified instrument of identification.
- aa. Violation of published University regulations or policies, including but not limited to, rules addressing conduct in the residence halls, use of vehicles, campus demonstrations, misuse of identification cards, acceptable use of technology resources, non-discrimination, and access to University resources.

## II. Misconduct: Course

Terp Scholars enroll in one three-credit course. Both credit and grade earned post to the UMD transcript and become part of the student record. The course may not be taken pass-fail or audit.

## Course Attendance

- a. Course attendance and course work are students' top priorities while enrolled in the Terp Scholars program.
- b. Students are expected to regularly and punctually attend their registered course.
- c. Any student who has two or more unexcused absences or excessive tardiness may be dismissed from the program with no refund.

## III. Misconduct: Hate-Bias

The University of Maryland is committed to holistically addressing hate-basis incidents that target UMD community members.

### University of Maryland Commitment to Diversity

- a. We believe that living and working in a community that accepts and celebrates diversity is a joy and a privilege that contributes to the vitality and excellence of the educational experience.
- b. We believe that as a state University, we have a responsibility to assure all citizens access to the transformative experience of an outstanding higher education and the opportunity for success in this experience.
- c. We believe it is essential that our students have exposure to different perspectives, that they interact with people from different backgrounds, and that they explore ideas with those from difference cultures in order to succeed in an increasingly diverse workplace and global community.

### What is a Hate-Bias Incident

- a. Generally, hate-bias incidents are acts characterized by some expression of hate or bias against a particular group, or towards an individual because of their membership (or perceived membership) in that group.
- b. Hate-bias incidents may range from acts considered to be offensive to actions that cause harm.
- c. Although hate-bias incidents sometimes constitute hate crimes or discrimination (as defined under the University's *Non-Discrimination Policy*), not all hate-bias incidents rise to the level of a hate crime or discrimination.

### What is a Hate Crime

- a. A hate crime is a criminal act (against person or property) that is motivated, in whole or in part, by the offender's hate or bias towards a particular individual or group because of membership in that group (as defined by law).

## IV. Misconduct: Alcohol and Drug Abuse Policy

The University of Maryland at College Park is dedicated to the pursuit and dissemination of knowledge. The illegal or abusive use of drugs or alcohol by members of the campus community jeopardizes the safety of the individual and the campus community, and is inimical to the academic learning process. The University

of Maryland is therefore committed to having a campus that is free of the illegal or abusive use of drugs and alcohol. In keeping with this commitment, it is the policy of the University that the illegal or abusive use of drugs or alcohol is prohibited on University property or as part of University activities. In order to inform all students of their responsibilities and the possible penalties for violations of this policy, the following rules, standards of conduct, and sanctions are set forth.

### Drugs

The Code of Conduct prohibits, on University premises or at University sponsored activities, the 1) unauthorized distribution; 2) possession for purposes of distribution; 3) use; or 4) possession of any controlled substance or illegal drugs. "Controlled substance" and "illegal drugs" prohibited under the Code are set forth in Schedules I through V in Article 27, part 279 of the Annotated Code of Maryland.

### Alcohol

The Code of Conduct prohibits the violation of published University regulations or policies regarding the possession, use or distribution of alcoholic beverages, as approved and compiled by the Vice-President for Student Affairs. The Resident Life Alcohol Policy controls the use, possession or distribution of alcohol in campus residence halls. This policy prohibits the possession or use of alcohol by any student under the age of 21 or the furnishing of alcohol to a person known to be under the age of 21.

### **Terp Scholars adheres to the following policy on illegal drugs and/or alcohol:**

- A.** Students found with illegal drugs and/or alcohol in their possession or in their dorm room will be immediately dismissed from the program without a refund.
- B.** Students suspected to be intoxicated and/or under the influence of alcohol or any illegal drug can be immediately dismissed from the program without a refund.
- C.** Students who distribute alcohol or illegal drugs will be immediately dismissed from the program without a refund.

### **V. Misconduct: Violation of the Sexual Assault and Misconduct Policy**

Every member of the University community should be aware that all sexual contact or behavior on the campus and/or occurring with a member of the University community must be consensual. Consent must be clear and voluntary, free of coercion or force, and may be communicated through verbal or non-verbal expression. In order to give consent, one must be of legal age for sexual consent and be both sober and conscious enough to understand what is being agreed to. Consent may be withdrawn at any point.

The University will not tolerate sexual assault, sexual harassment, or any other form of sexual misconduct. Such behavior is prohibited by both State and Federal law and University policy. The standard University disciplinary sanction for any sexual misconduct, including acquaintance rape, is dismissal from the University and/or termination of employment. Sexual misconduct policies are enforceable for sexual misconduct that occurs on University premises or at University-sponsored events. Regardless of where sexual misconduct occurs the University will process any complaints in accordance with applicable University policies.

## Sexual Assault

In accordance with the University System of Maryland Policy on Sexual Assault (see VI-1.30), the University recognizes and prohibits two levels of sexual assault:

a. **Sexual Assault I : Non-Consensual Sexual Intercourse**

Any act of sexual intercourse with another individual without Consent (rape). This includes penetration, no matter how slight, of (1) the vagina or anus of a person by any body part of another person or by an object, or (2) the mouth of a person by a sex organ of another person, without that person's Consent.

b. **Sexual Assault II : Non-Consensual Sexual Contact**

Any unwanted intentional touching of the intimate body parts of another person, causing another to touch the intimate parts of oneself or another, or disrobing or exposure of another without Consent. Intimate parts may include genitalia, groin, breast, or buttocks, or clothing covering them, or any other body part (including one's own) that is touched in a sexual manner. Non-consensual sexual contact includes attempted sexual intercourse without Consent (attempted rape).

## Sexual Harassment

The University Policy and Procedures on Sexual Harassment defines sexual harassment as unwelcome sexual advances, unwelcome requests for sexual favors, or other behavior of a sexual or gender-based nature where:

- a. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or participation in a University-sponsored educational program or activity; or
- b. Such conduct has the purpose or effect of unreasonably interfering with an individual's academic or work performance, or of creating an intimidating, hostile, or offensive educational or working environment.

## Stalking

The University Policy and Procedures on Sexual Harassment defines stalking as repeated, unwanted attention; physical, verbal, or electronic contact; or any other course of conduct directed at an individual that is sufficiently serious to cause physical, emotional, or psychological fear or to create a hostile, intimidating, or abusive environment for a reasonable person in similar circumstances and with similar identities. Stalking may involve individuals who are known to one another or who have a current or previous relationship or may involve individuals who are strangers.

## VI. Student Conduct Violation Process

This section provides a general overview of the conduct violation process. Not all cases are the same, and allegations differ in their severity and complexity. However, the Office of Extended Studies endeavors to treat similar facts and circumstances consistently.

Certain conduct may constitute both a violation of law and a violation of the *Code of Student Conduct*. Therefore, students may be accountable to both criminal authorities and to the University as a result of the same conduct or incident. The University's student conduct process differs from any legal or criminal

proceedings. Disciplinary action at the University will normally move forward before or during criminal proceedings, and will not be subject to challenge on the grounds that criminal charges involving the same incident have been dismissed or reduced.

### Referral

- a. Anyone may refer a student, student organization, or student group suspected of violating the *Terp Scholars' Code of Student Conduct*. Written referrals are preferred. The Office of Extended Studies will review all referrals for reasonable cause; this means that the Office will review the allegations to determine whether there is evidence, which if true, would result in sanctioning.
- b. Retaliation against anyone for reporting an alleged violation of the *Code of Student Conduct* is strictly prohibited and persons who retaliate will be considered for further disciplinary action.
- c. Methods of Referral
  - i. Submit a [Conduct Referral Form](#) (the link to this form can also found on the Terp Scholars ELMS page).
  - ii. Contact mentor staff.
  - iii. Send an email to the Terp Scholars email ([tys@umd.edu](mailto:tys@umd.edu)).
- d. Anyone referring a student, student organization, or student group suspected of violating the *Code of Student Conduct*, may remain anonymous; however, anonymity may limit the University's ability to investigate and respond to a complaint.

### Time Restrictions

- a. Individuals are encouraged to report incidents as soon as they occur so that witnesses can be identified and important information and documents preserved, in the event there is a reasonable cause determination and the Office determines to move forward.
- b. Conduct violations should be reported immediately to the Office of Extended Studies staff. Reports after 48 hours of occurrence may limit the Office of Extended Studies' ability to investigate and respond to a complaint.
- c. Time restrictions for the Office of Extended Studies incident reporting are separate from any restrictions for criminal proceedings.

### Preliminary Interview

- a. Immediately after an incident is reported, the Office of Extended Studies will contact the all students involved with the violation to request they attend a preliminary interview. The purpose of the preliminary interview is to review the allegation and determine if there is reasonable cause.

### Disciplinary Meeting

- a. If there is reasonable cause, the Office of Extended Studies will contact all students involved with the violation to request they attend a Disciplinary Meeting. The purpose of the Disciplinary Meeting is to review the *Code of Student Conduct*,

discuss the impact of violation, and note what sanctions, if any, will be imposed due to the violation.

- b. Disciplinary meetings can take place in a designated area in the residence hall or in the Office of Extended Studies office.

### Sanction Decisions

Students found responsible for disciplinary offenses are subject to sanctions. The aims of sanctioning are to protect the Terp Scholars and campus community, deter future offenses, promote individual accountability, and enhance ethical development. Reasonable efforts are made to educate and support students in reaching their academic and personal goals while fostering a climate of accountability and responsibility for one's actions. However, the University is not designed nor equipped to rehabilitate persons who pose a substantial threat to themselves or others.

- a. Decisions on disciplinary sanctions are the sole authority of the Manager of Programs, Associate Director of Programs and the Director of Programs, Office of Extended Studies.

### Sanction Types

The Manager of Programs, Associate Director of Programs, and the Director of Programs, Office of Extended Studies may impose the following sanctions for *Code of Student Conduct violations*:

- a. **Letter of Reprimand**
  - i. For all student conduct violations, Terp Scholars will issue a *Letter of Reprimand*, a written warning, signed by the student, which details the violation.
  - ii. Depending on the severity of the incident, the *Letter of Reprimand* may accompany dismissal from the program or campus police notification.
  - iii. *Letters of Reprimand* are not attached to the student's official University of Maryland record.
- b. **Program Dismissal**
  - iv. Permanent separation of the student, student organization, or student group from Terp Scholars.
  - v. Any student dismissed from Terp Scholars is not eligible to return.

## X. Acceptable Use of Computing Resources Policy

### Primary Principles: Freedom of Expression and Personal Responsibility

Freedom of expression and an open environment to pursue scholarly inquiry and for sharing of information are encouraged, supported, and protected at the University of Maryland. These values lie at the core of our academic community. Censorship is not compatible with the tradition and goals of the University. While some computing resources may be dedicated to specific research, teaching, or administrative tasks that would limit their use, freedom of expression must, in general, be protected. The University does not limit access to information due to its content when it meets the standard of legality. The University's policy of freedom of expression applies to computing resources.

Concomitant with free expression are personal obligations of each member of our community to use computing resources responsibly, ethically, and in a manner that accords both with the law and the rights of others. The campus depends first upon a spirit of mutual respect and cooperation to create and maintain an open community of responsible users.

### General

These guidelines set forth standards for responsible and acceptable use of University computing resources. They supplement existing University policies, agreements, and state and federal laws and regulations. Computing resources include host computer systems, University-sponsored computers and workstations, communications networks, software, and files.

Computing resources are provided to support the academic research, instructional, and administrative objectives of the University. These resources are extended for the sole use of University faculty, staff, students, and other authorized users to accomplish tasks related to the user's status at the University, and consistent with the University's mission.

Users are responsible for safeguarding their identification (ID) codes and passwords, and for using them for their intended purposes only. Each user is responsible for all transactions made under the authorization of his or her ID, and for all network activity originating from his or her data jack. Users are solely responsible for their personal use of computing resources and are prohibited from representing or implying that the content constitutes the views or policies of the University.

Violation of these guidelines constitutes unacceptable use of computing resources, and may violate other University policies and/or state and federal law. Suspected or known violations should be reported to the appropriate University computing unit. The appropriate University authorities and/or law enforcement agencies will process violations. Violations may result in revocation of computing resource privileges, academic dishonesty or Honor Council proceedings, faculty, staff or student disciplinary action, or legal action.

### User Responsibilities

The following provisions describe conduct prohibited under these guidelines:

- a. Altering system software or hardware configurations without authorization, or disrupting or interfering with the delivery or administration of computer resources.
- b. Attempting to access or accessing another's account, private files, or e-mail without the owner's permission; or misrepresenting oneself as another individual in electronic communication.
- c. Installing, copying, distributing or using software in violation of: copyright and/or software agreements; applicable state and federal laws; or the principles described in Using Software,
- d. A Guide to the Ethical and Legal Use of Software for Members of the Academic Community, available at [www.inform.umd.edu/software-guide](http://www.inform.umd.edu/software-guide).
- e. Using computing resources to engage in conduct that interferes with others' use of shared computer resources and/or the activities of other users, including studying, teaching, research, and University administration.
- f. Using computing resources for commercial or profit-making purposes without written authorization from the University.

- g. Using computing resources for commercial or profit-making purposes without written authorization from the University.
- h. Failing to adhere to individual departmental or unit lab and system policies, procedures, and protocols.
- i. Allowing access to computer resources by unauthorized users.
- j. Using computer resources for illegal activities. Criminal and illegal use may include obscenity, child pornography, threats, harassment, copyright infringement, defamation, theft, and unauthorized access.

#### Administration

The maintenance, operation, and security of computing resources require responsible University personnel to monitor and access the system. To the extent possible in the electronic environment and in a public setting, a user's privacy will be preserved. Nevertheless, that privacy is subject to the Maryland Access to Public Records Act, other applicable state and federal laws, and the needs of the University to meet its administrative, business, and legal obligations.

#### XI. Conditions of Internet Use –Use of Electronic Networks

Because program students are minors (under the age of 18), the University of Maryland would like to ensure that parents/guardians are aware of the following conditions and liabilities regarding the use of the Internet/electronic networks by students:

The University of Maryland can make no express or implied warranties for the Internet access it provides and cannot completely eliminate access to information that is offensive or illegal and residing on networks outside of the University of Maryland system. The accuracy and quality of such information obtained cannot be guaranteed. Moreover, the University of Maryland cannot be responsible for any information that may be lost, damaged, or unavailable due to technical or other difficulties.