



SCHOOL OF ARTS AND SCIENCES / SCHOOL OF ENGINEERING

Student Judicial Process

Tufts
UNIVERSITY

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This 2007 version supersedes all prior versions.

The booklet can be found online at <http://studentservices.tufts.edu/dos>

INTRODUCTION

The policies of Tufts University are designed to protect your ability to pursue an education and social life in a reasonable environment. The University's code of conduct and policies define the standards for many aspects of community participation, both academic and social. But much that determines whether or not your experience here is satisfactory and enjoyable will be determined by good judgment—both your judgment and that of others. You will be treated as adults at Tufts, and will be expected to conduct yourself in a manner compatible with the University's role as an academic community. The University is not a consequence-free zone. University policy, local ordinances and the laws of the Commonwealth of Massachusetts apply both on campus and near the campus. You will be held accountable if you violate the law or University policy, or otherwise engage in conduct that inappropriately affects others adversely. The processes described in this booklet are also here to protect you if you have been subjected to the behavior of other members of the community that you believe violates the community standards of behavior set forth in this booklet, in the *Pachyderm* or in the booklet *Academic Integrity*.

This booklet describes the Student Judicial Process, which applies to complaints or allegations about the behavior of undergraduate or graduate students currently enrolled in the School of Arts & Sciences and the School of Engineering. This is including but not limited to issues concerning misconduct, academic integrity and the responsible use of the University's electronic resources. This booklet is not a contract. The information and procedures set forth herein are current as of the date of the booklet's publication and supersede any prior versions. They are subject to change at any time. For this reason, questions regarding the currency or accuracy of any of the material in this booklet should be referred to the Office of the Dean of Student Affairs. Current material can also be found at: <http://studentservices.tufts.edu/dos>.

The *Pachyderm* and *Academic Integrity*, which are available in print at the Office of the Dean of Student Affairs and online at the Office's website, contain important information about the behavioral standards and expectations for all students in the University community. Be sure to familiarize yourself with their contents.

THE STUDENT JUDICIAL PROCESS

Depending on the nature of a complaint or concern, reports of inappropriate student or student organization behavior may be brought to:

- > **The Judicial Affairs Officer in the Office of the Dean of Student Affairs**
- > **Members of the residential staff**
- > **The Office of Residential Life and Learning**
- > **The TCU Judiciary**
- > **The Office of Fraternity and Sorority Affairs**
- > **The Dean of Student Affairs**
- > **The Committee on Student Life**
- > **The University Police**

In addition, there are several resources with whom you can discuss a situation confidentially. These include the Mental Health staff, the clinicians at the health service, the chaplains, the Sexual Assault Resource Coordinator, and the students of Ears for Peers.

NOTE: Reports may be brought to other campus resources such as the Office of Equal Opportunity (the campus Title IX coordinator within the Office of Institutional Diversity). Reports may also be brought to off-campus resources such as the local police, the courts of the Commonwealth of Massachusetts, or the Office of Civil Rights.

BEGINNING THE PROCESS

A complaint may be initiated against students enrolled at Tufts by another individual student, a group of students, members of the faculty or administration, a student organization, or by those outside the Tufts community.

The process begins with the filing of a written complaint with the Judicial Affairs Officer. Conflict resolution through arbitration, facilitated conversations, and community conversations do not require a written complaint.

Some complaints address issues that, while they may be offensive or hurtful to the complaining party, would not be considered to be a punishable offense, even if proven. In these situations, the Dean of Student Affairs or the Judicial Affairs Officer may decide not to proceed with the complaint. However, in these circumstances, a facilitated or community conversation may be convened (which will not result in a disciplinary consequence).

Jurisdiction

The Student Judicial Process applies to the behavior of enrolled students at the University. Issues concerning University staff should be raised with the individual's supervisor. Issues concerning University faculty should be raised with the chairperson of the department in which the faculty member teaches or with the Office of the Dean of Undergraduate Education. The Dean of Student Affairs, Counseling Center staff members, the University's affirmative action office, faculty advisers, and academic deans are all available for consultation in these situations.

Allegations involving sexual harassment, or involving sexually inappropriate behavior or discrimination by a staff member, faculty member, or University department are addressed by the Office of Equal Opportunity (the director of which serves as the University's coordinator for Title IX) within the Office of Institutional Diversity or by one of the persons listed in the pamphlet on sexual harassment published by the Office of Equal Opportunity.

In some cases where the student conduct complained of takes place off campus or on other college campuses, the Student Judicial Process may be used by persons at Tufts or by individuals not affiliated with Tufts to address the behavior at issue. This will be done especially when the behavior threatens Tufts' reputation or impacts the safety of the broader Tufts community. Students who are indicted in the court system or are on probation from the courts, whether in the Commonwealth of Massachusetts or elsewhere, are generally not eligible to be enrolled at the University until the resolution of the court proceedings and expiration of any probationary status.

Complaint and Response Forms

A party making a complaint will be asked to complete a complaint form that identifies the person bringing the complaint, the person against whom the complaint is filed, and facts sufficient to initiate disciplinary action under the Student Judicial Process. Complaint forms are located in the Office of the Dean of Student Affairs. Once completed, the form will be provided to the party against whom the complaint is filed. In situations where safety is an issue, some of the identifying information about the complaining party or witnesses may be withheld from the accused.

An individual or group against whom a complaint has been filed will be asked to complete and submit a response form within 48 hours of being presented with the complaint. If no response is filed, action may be taken by the appropriate University administrators in lieu of further process. Requests for additional time to respond to a complaint must be made in writing to the Judicial Affairs Officer before the 48-hour deadline has expired.

Both complaint and response forms will be made available to the parties and, in the event of a hearing, to the panel members. Incident reports prepared by the University police are

not generally available to students or to the public. In some situations, a transcript of a police incident report may serve as the written complaint, and will be made available to the responding party.

Knowingly filing a false complaint, meaning that the person bringing the complaint knew it was without basis, is a violation in itself. Please note that this is different from filing a complaint which the accusing party genuinely believes is accurate, even if the process finds insufficient evidence to support the allegation. In this latter situation, although the case will be dismissed, there will be no action against the complaining party.

The Dean of Student Affairs or the Judicial Affairs Officer may require the parties to provide additional explanations and evidence supporting their positions in order to determine whether a complaint will move to a judicial panel for a hearing.

Time Limitation on Complaints

A party who wishes to make a complaint about an incident must initiate the complaint within one year of the date of the incident. The University, at its discretion, may conduct disciplinary proceedings in relation to incidents that occurred outside of the one-year period when special circumstances warrant, including, but not limited to, cases where the alleged behavior suggests that there could be ongoing danger to others in the community. The Student Judicial Process is limited to charges against students currently enrolled at the university.

NOTE: In order to provide sufficient time to resolve cases prior to the end of each semester, the following restriction applies to the one-year limitation: All complaints must be filed with the Judicial Affairs Officer in the Office of the Dean of Student Affairs by the first day of December or April, respectively, each semester, or within two weeks of the incident that is the subject of the complaint, whichever is later. A party who does not submit a complaint by December 1 or April 1 has the option of submitting the complaint in the subsequent semester provided the one-year period has not passed, and provided the responding party is still enrolled at Tufts. Those considering bringing a complaint should anticipate that a delay in doing so may mean that evidence and witnesses will be unavailable, possibly making the complaint difficult to fully pursue.

CHOOSING AN OPTION

Options for addressing a complaint that triggers the Student Judicial Process include:

- > **Resolution directly with the other party**
- > **Facilitated conversations**
- > **Campus Stay Away Order**
- > **Mediation**
- > **Arbitration**

- > **Dean's decision**
- > **Administrative resolution**
- > **University hearing**
- > **The court system: civil or criminal**

You should review each option, considering all of the advantages and disadvantages inherent to each. Simply discussing a situation with any of the resource individuals and offices listed above does not obligate you to initiate a complaint in the Student Judicial Process.

More than two hundred complaints are filed in the Student Judicial Process year. Only a small number of these cases typically results in a hearing. The majority of cases are resolved through mechanisms such as alternative dispute resolution, conversation, or administratively by appropriate University officials, where there is no dispute between the parties about the facts involved.

A broad variety of complaints are filed. Some involve serious allegations of misconduct, while others are minor by comparison. All persons bringing complaints are informed about their options. Whether a student chooses a University option, the court system, or both is entirely the decision of the student bringing the complaint. Each option offers advantages and disadvantages.

Mediation and administrative resolution are the only judicial mechanisms in which both parties have control over the outcome of the dispute. In mediation, the process does not attempt to prove an individual's culpability or if a violation has taken place. Instead, it seeks a resolution that both parties can accept. This option will be sufficient for some individuals and not adequate for others. In administrative resolution, the responding party can be offered a resolution which avoids the hearing process. Acceptance of the "offer" is entirely up to the respondent.

A hearing may result in a finding that an accused individual or group of individuals violated a university policy or code of conduct. Adjudication of student conduct through the Student Judicial Process process is usually faster and can be less costly pursuing the matter than the court system. Of the complaints that reach the hearing process, approximately half result in findings of a violation. Please note that the University cannot impose criminal sanctions.

The University police can assist a student who wishes to pursue a criminal action. Filing a court case, however, does not normally replace or postpone University disciplinary action. This means that it is possible for a University and a court case to proceed simultaneously, as they involve separate processes, even though they may deal with a single incident.

University officials are available to discuss the pros and cons of the various options avail-

able to individuals considering bringing a complaint, but they will not advise you about which option is best for you; only you can make that decision.

Campus Stay Away Order

One form of potentially harassing behavior recognized by Tufts University is unwanted attention, where one individual fails to understand or accept that another individual doesn't wish to have further involvement with him or her. This behavior may range from a simple failure to understand that you are serious when you say, "leave me alone!" to more serious forms of behavior such as stalking or other predatory behavior.

If you find yourself in this type of situation, the Office of the Dean of Student Affairs can provide assistance in the form of a campus stay away order.

The stay away order can be initiated simply by talking to a member of Office of the Dean of Student Affairs. If you are seeking assistance in stopping the behavior but not necessarily a consequence to the alleged offender, the order is available without filing a complaint or providing proof of the problematic behavior. The role of the Dean's staff is to help communicate your desire to be free from the other individual's attention. In these situations, the stay away order is not a disciplinary action. However, in situations where it is demonstrated that there has been harassing or other inappropriate behavior, the outcome may be disciplinary action, including a stay away order that, if disregarded, may result in the offender being required to leave campus.

Please note that a campus stay away order can affect only student status at the University. In situations where the alleged behavior is severe, students are advised to consult a counselor, the Police, or the District Attorney's office about seeking a protective order from the courts.

The Mediation Process

The Judicial Affairs Officer, the Dean of Student Affairs, and members of the residential staff are prepared to mediate between parties in an attempt to resolve issues. This approach requires that both parties desire to pursue a negotiated resolution and are willing to waive their rights to a disciplinary hearing.

The following procedure will be used for mediation:

- > A mediation cannot occur until a written complaint has been filed with the Judicial Affairs Officer in the Office of the Dean of Student Affairs, a copy is given to the accused party, and a response is filed by the accused.**

- > After reading the complaint and response, either party can propose, either verbally or in writing, a suggestion for how to resolve the situation without a fact-finding process. If the other party is willing to consider a mediated resolution, the Office of the Dean of Student Affairs will facilitate the mediation. If either party is unwilling to consider a negotiated resolution, mediation will not be pursued.
- > The mediator, at his/her discretion and with the agreement of the parties, may bring the parties together for a joint discussion.
- > A hearing process is frequently scheduled even when mediation is pursued. The mediation effort must resolve the circumstances prior to the scheduled date of the hearing or the hearing will proceed (provided the complaining party still wishes to pursue the matter).
- > A resolution through mediation can include disciplinary action, among other things, as long as the parties agree to the elements of the resolution and they are enforceable. The mediation agreement is binding on the parties once the agreement is signed.

No mediation may change or deviate from established University policies or practices. The University mediator may stipulate that a particular suggested element in the mediation effort is not acceptable to the University.

A resolution reached through mediation is final and not subject to appeal once it is signed by both parties.

A violation of the resolution or disregard for its terms may result in disciplinary or other action taken as indicated in the signed agreement. In the event that a resolution is violated and the agreement did not specify a resulting outcome, the Office of the Dean of Student Affairs will determine whether to call a hearing to address the original charges and/or to initiate a complaint based on the new allegation.

The outcome of mediated resolutions of complaints will be subject to the same regulations regarding public record and confidentiality as complaints resolved through the hearing process.

The Arbitration Process

Arbitration is another form of alternative dispute resolution. Arbitration is similar to mediation but typically attempts to resolve disputes where a financial remedy is sought. Unlike mediation, the arbitration process does not require either party to file a written complaint—but the arbiter may ask for written documentation or written statements as part of the process. Unlike the mediator in the mediation process, who facilitates the process by which the parties themselves try to reach resolution, in arbitration the parties agree ahead of time that they will abide by the determination of the arbiter (or arbitrating

panel). The determination can not include a disciplinary consequence, but is binding at the time that the parties agree to arbitrate. Consult the Office of the Dean of Student Affairs for details.

Dean's Decision

If the responding party, after receiving notice of the complaint, does not deny the allegations, fails to respond to the allegations, or if the evidence is indisputable, a sanction may be imposed without a hearing. This sanction may be appealed in the same manner as a sanction resulting from a disciplinary hearing.

Administrative Resolution

In some cases, an accused party may enter into an agreement with the Judicial Affairs Officer to accept responsibility, partial responsibility, or not to contest an allegation, thus waiving his or her right to a fact-finding hearing process and agreeing to an outcome or sanction which is not subject to appeal. This administrative resolution is not the same as mediation, since the party bringing the complaint plays no role in determining the outcome.

Facing charges, admitting to allegations, or pleading "sufficient facts" in the court system may result in University action without a University proceeding.

Students serving probation in the criminal (and sometimes the civil) court system are not eligible to be enrolled at Tufts or to transfer credits for courses taken elsewhere during the probation.

The Hearing Process

The procedures followed by the judiciaries do not attempt to create a courtroom environment. The proceedings are informal and provide an opportunity for allegations, responses and evidence to be considered by the panel. The judiciary body to hear the complaint is determined by the nature of the charges in the complaint. (The jurisdiction of the various judiciaries is discussed in a later section of this booklet titled "Campus Judicial Mechanisms.")

Administrative Hearings

Administrative hearings are convened by the administration when there is no complaining party, but the administration has reason to believe that the behavior of a student or a student group should be investigated. Disciplinary action can result from such hearings.

Sanctioning Hearings

When there are no facts in the dispute or when the responding party chooses not to contest some or all of an allegation and/or waives his, her, or their right to a fact-finding hearing, a sanctioning hearing may be convened to determine if any consequences should be imposed.

This is similar to the administrative resolution described above, but may be used instead when, in the judgment of the Judicial Affairs Officer, the complexity of a situation warrants the consideration of a judicial panel. In a sanctioning hearing, the responding party will have an opportunity to make an argument to the panel, but it will be limited to the nature of the punishment. Outcomes of sanctioning hearings may be appealed as described elsewhere in this booklet.

Convener

The individual convening the hearing may be the chair of the judiciary, the Judicial Affairs Officer, or another designee of the Dean of Student Affairs.

Before a hearing is scheduled, University officials may confer with the parties involved in an effort to narrow the areas of fact that are in dispute. When appropriate, the parties may agree to a statement of facts, which may be submitted to a judiciary panel for consideration.

Hearing Date

While there is no rigidity in the scheduling of a hearing, one can expect that a hearing or other judicial option will take place within three weeks of the Judicial Affairs Officer or appropriate judiciary receiving a response to the judicial complaint. If a date cannot be found within those three weeks, the hearing will be scheduled for the soonest possible date. The judiciaries may consider University holidays and panel availability or other factors in choosing a hearing date. It is often impossible to avoid time conflicts with other University activities. A hearing will not be postponed because of such conflicts. However, the Judicial Affairs Officer will provide written verification of students' involvement in a disciplinary process to a faculty member or coach.

Once the date for a hearing has been chosen, there will be no postponement unless one of the parties involved in the case or a party's advocate is faced with an emergency or University personnel have an unavoidable conflict. Rescheduling of the hearing after such a conflict will be at the discretion of the Judicial Affairs Officer or the appropriate judiciary. No postponement will be granted for witness conflicts. Efforts will be made to avoid scheduling a hearing during reading and exam periods.

Panelists

Panels for the various judiciaries may consist of students, faculty, or University staff. The panelists are informed about the issues involved, the standards used, and the fair process requirements.

Impartial Panel

A party has a right to a fair and impartial panel. Normally, the names of panelists who will consider a complaint will be given to the parties five days prior to the hearing. A panelist will be replaced if one of the parties in the case is able to demonstrate to the convener of the hearing, at least three days before the scheduled hearing, that the panelist is not in a position to be objective. The judiciary panel or the convener will judge whether a panelist whose objectivity is questioned should remain on the panel. The mere fact that a panelist has taught or is teaching a class in which one of the parties was or is enrolled, or that a panelist has been or is in a class with a party, is not per se grounds for disqualification of the panelist.

Open or Closed Hearings

Disciplinary hearings are usually open to the Tufts community and campus media. Outside media are not allowed to attend. Either or both parties may request in writing (48 hours prior to the hearing) that the hearing be closed to the Tufts community and campus media, in which case only the parties (and their witnesses, advocates, and parents) and a University counsel/designee may be present. No hearing may be electronically recorded or transcribed.

NOTE: Parents or guardians of parties are welcome to be present at disciplinary hearings unless a student who is legally financially independent requests otherwise.

The Order of Events for Hearings

In general, hearings will follow this order, although by agreement of all parties involved, modifications may be made to facilitate the process:

- > **Opening statement of the complaining party (limited to five minutes)**
- > **Opening statement of the responding party (limited to five minutes)**
- > **Questioning of each party by the panel**
- > **Questioning of the complaining party's witnesses first by the complaining party, then by the responding party, then the panel**
- > **Questioning of the responding party's witnesses first by the responding party, then the complaining party, then the panel**
- > **Questioning by the complaining party of the responding party**
- > **Questioning by the responding party of the complaining party**
- > **Final questioning by the panel**
- > **Closing statement of the responding party or an advocate (limited to ten minutes)**
- > **Closing statement of the complaining party or an advocate (limited to ten minutes)**

Note that the panel may ask specific questions of any party at any time. If either party is reluctant to ask questions of the other or of witnesses, he or she may submit a written list of questions that, if appropriate, will be read by the convener of the hearing.

Following the presentation of evidence, the panel will go into an executive session (when possible, immediately following the proceedings). The primary task of the panel will be to determine whether the allegation has been substantiated and a violation has occurred. This judgment is made on the basis of a preponderance of the evidence presented. The complaining party has the burden of proof. A majority vote of the panelists is necessary. For example, for a Dean of Student Affairs/TCU judiciary panel to find a party in violation, at least three of the five panel members have to be convinced that it is more likely than not that the incident (or circumstances) occurred the way the complaining party states it did, and that the incident or circumstances violated one or more University policy, rule, regulation, or standard.

Prior disciplinary consequences are considered only in determining a consequence, not in considering whether the evidence supports the complaint. Please note that those bringing or responding to a complaint may, under certain circumstances, raise issues pertaining to prior behavior. Before the panel meets in executive session, the convener will hand a sealed envelope to the panel. The envelope contains documentation that indicates whether the responding party has any prior disciplinary record. The panel opens the envelope only if it has determined that a violation has occurred.

If a violation is determined, the panel will assign a consequence (or recommend a consequence in the case of Dean of Student Affairs judiciaries). The convener of the hearing will promptly communicate the outcome of the hearing to both parties.

There may be circumstances where the convener will change the order of events, allow witnesses to be taken out of order, or allow additional witnesses to be called. The evidence to be presented and, when applicable, the list of witnesses, is not generally required prior to the scheduled hearing. Moreover, the panel has discretion to ask clarifying questions throughout the proceeding.

Although parties are not asked to swear an oath, all written and oral participation must be authentic and truthful. Any demonstrated fabrication or tampering with evidence will be subject to disciplinary action. Note that a party or witness will always have the right to refrain from responding to particular questions. The panel is permitted to draw negative inference from a party's or witness's refusal to answer questions. The panel will determine whether a violation has occurred based on the testimony and evidence presented.

Not every procedural issue is addressed here and the convener may have the discretion to determine how an issue will be handled. Before the hearing begins, those involved in a hearing should direct questions to the Judicial Affairs Officer concerning how issues not covered in this booklet may be handled. The panel has final discretion in deciding procedural matters.

Notification to the Tufts Community

Disciplinary hearings and disciplinary outcomes reached through any judicial mechanism are a matter of Tufts community public record. Campus media may describe the nature and outcome of disciplinary situations, but are not given the names of the individuals involved. In the event of a closed hearing, the convener will provide a summary of the circumstances and findings of the case for reporting. Please note that occasionally the campus media may discover the identity of those involved in judicial proceedings through campus “scuttlebutt” or through outside police or court records, which are a matter of public record. When this happens, the University will not confirm the identity if asked and will discourage the campus media from disclosing the identity of those involved. However, the University cannot control the decision of the editorial boards of the media organizations.

ADVOCATES

A party may choose to work with an advocate. An advocate may be an attorney, but individuals frequently ask friends, parents, or faculty members to work with them as advocates.

In conjunction with the TCU Judiciary, The Office of the Dean of Student Affairs has created a student advocacy system. Through this system, volunteers from the community go through a training to familiarize themselves with the judicial processes of the University. Please note that while the training provides familiarity with the judicial processes at Tufts, it is not substantial enough to provide “expertise” to these volunteers. No certification or endorsement of ability is provided to the advocates in the program. Nevertheless, many students going through the judicial process have found that working with an advocate from this pool has been helpful. They may be of assistance in any of the options with the judicial process, including mediation. The list of the student advocates can be found on the Judicial Affairs Officer’s webpage, the TCU Judiciary website, or in written form in the Office of the Dean of Student Affairs.

The Role of the Advocate

The participation of advocates in a hearing is limited to preparing the party for the hearing and a ten-minute closing statement at the end of the process. The advocate will not provide coaching during the hearing, question witnesses, or address the panel. Within rea-

son, the convener of the hearing may provide breaks during which time the advocate may provide additional assistance to the party. The advocate may request to confer privately with the convener or University counsel about the process. Advocates who violate or abuse these limitations are subject to disqualification from further participation in the current proceeding, as well as from participation in future proceedings.

The Selection of an Advocate

Given the informal nature of the Student Judicial Process, advocates are neither required nor necessary. The University does not provide professional advocates for students or student organizations involved in disciplinary proceedings. A party typically makes decisions about the need for and selection of an advocate based on the seriousness of the allegations involved. Attorneys are particularly helpful in situations where related action in the court system is a possibility.

The Office of the Dean of Student Affairs will try to be helpful in identifying resources on or off campus that are willing to serve as advocates or legal counsel. The University makes no representations concerning the skills, knowledge, or effectiveness of any advocate. In addition to those in the student advocacy system described above, some University officials may be willing to work with a party in the preparation of a case or in the mediation process. However, because of their roles and/or involvement with the individuals who typically make up hearing panels, they are not eligible to serve as advocates at hearings. Some of these individuals include the chaplains, staff of the Counseling Center, deans and vice presidents, police officers, and the directors of student affairs departments and programs.

Notice of Intent to Have an Advocate

A party who intends to have an advocate at a hearing must provide the Judicial Affairs Officer or Dean of Student Affairs with written notice of the identity (name, relationship to the student, whether the advocate has had any legal training and the nature of that training, address, and telephone number) of the advocate no later than seven days before the hearing. Failure to meet this deadline may result in forfeiture of the right to an advocate. Each party will be notified by the Judicial Affairs Officer or Dean of Student Affairs of the identity of the other party's advocate.

WITNESSES

Both parties are entitled to present witnesses, including those who witnessed the incident, character witnesses, and those who wish to address the impact of the incident. The parties are not required to exchange witness lists and are not required to inform the convener of the names of witnesses prior to the hearing. The questioning of witnesses will comply with state court rules only to the extent that it is practical in the University setting. Tufts recog-

nizes that the parties are not attorneys. Witnesses who testify about an incident will be asked to speak to what they have directly observed, heard, or done and not what the witnesses believe or may have heard has happened. Each party may have two character or impact witnesses.

Each party should arrange for the presence and participation of their witnesses. If a critical witness is reluctant to appear, the Office of the Dean of Student Affairs will attempt to arrange for the participation of the individual if he or she is a student. Such witnesses will be introduced as “University” witnesses (as opposed to witnesses for either side) who are believed to possibly have relevant evidence. University officials and panel members may also call witnesses who are believed to have evidence useful to the hearing.

As noted above, both parties will have an opportunity to ask questions of all (except character and impact) witnesses. If either party is reluctant to ask questions of witnesses, he or she may submit a written list of questions that can be read by the convener of the hearing (if appropriate).

In cases involving student organizations, the organization (either complaining or responding) will be asked to name a spokesperson. Only the designated spokesperson may question witnesses.

Written Statements

Statements written and signed by students as part of an investigation by the University police are generally given to the parties and the panel prior to the hearing. Special circumstances may warrant exceptions to this policy.

Police observations that are documented by the officers themselves will not be available as evidence, but may be addressed by asking that the officer involved be present at the hearing as a witness. The Office of the Dean of Student Affairs will assist in arranging for his or her presence.

Witnesses are normally required to be present at hearings so that they may respond to questions. Under rare circumstances, written witness statements may be admissible at the discretion of the convener.

Counseling Records, Personal Documents, and Other Evidence

The University will not require any student to release his or her counseling records to the other party or to the panel as part of the hearing process, nor will the University require a counselor to participate in a hearing.

However, a party involved in a hearing may wish to introduce as evidence or testify about

information contained in his or her own counseling records or other personal documents. Such documents could include journals, diaries, or even letters. If a party wishes to introduce these materials, or to testify about information contained in them, the entire original, unedited, unabridged record or document set must be given to the convener five days prior to the beginning of the hearing. The convener will make the materials available to the opposing party (and his or her advocate) prior to the beginning of the hearing. The opposing party and advocate are responsible for maintaining the confidentiality of the materials, and must return all such documents at the end of the hearing process.

If the opposing party identifies information in the records or documents that is inconsistent or contradictory to the allegations made or the testimony offered, the convener will provide an opportunity for the opposing party to raise these issues to the panel and to ask questions concerning the material. The opposing party may not release or make public any other information contained in the record or documents.

In cases where the evidence is not available within the stated time period, the convener of the hearing will make a decision concerning whether the documents may be offered to the panel. The judiciary will decide whether any particular document will be admitted as evidence.

Verification of Professional Services Sought

In the absence of actual records or the presence of a medical professional as a witness, a party may testify to the fact that he or she sought medical, mental health, or other professional services as a result of the incident in the complaint. The party must provide verification of the dates, times, and person providing the services. The verification may not include details of the counseling or other services, nor details of any conclusions made by the practitioner. In testifying, the party will be limited to stating that the service was sought. No characterization of the professional's judgment will be allowed.

HEARINGS REGARDING SEXUAL ASSAULT CASES

Complaints Regarding Sexual Assault

Sexual assault cases follow the same general set of procedures as other cases.

However, some procedural mechanisms apply in cases involving alleged sexual assault:

Testimony about Prior Sexual Conduct

The University applies some elements of the Massachusetts Rape Shield Statute concerning evidence about prior sexual conduct. Usually, no questions, testimony, or evidence

about the sexual activity of a complaining or responding party with anyone beside the other party in the case may be introduced. However, if a party introduces information about his/her own sexual activity with someone besides the other party in the case, questions can then be asked about that relationship.

In rare cases, if a party can demonstrate that the opposing party has reason to lie about the allegations made, testimony about prior sexual conduct may be allowed. For example, there may be a preexisting condition or factor that makes it advantageous for the complaining party to have others believe that he or she had been an unwilling participant in the sexual encounter.

Anyone seeking to offer evidence of prior sexual conduct must first confer with the convener in private before such evidence may be admitted. Though the convener has broad discretion to admit or exclude evidence in a hearing, any evidence concerning prior sexual conduct will rarely be admitted.

Fresh Complaint

In sexual assault cases, witnesses are permitted to provide testimony about conversations they had with the complaining party about the incident, even though the witness did not observe the incident directly. Tufts will allow this testimony as “fresh complaint” testimony. However, there are certain restrictions on this type of testimony. First, fresh complaint witnesses are allowed only if the conversation between the complaining party and the witness took place within one month of the date of the alleged incident. Second, a maximum of two fresh complaint witnesses is allowed.

NOTE: As in all cases, if either party is reluctant to ask questions of the other or of witnesses, he or she may submit a written list of questions that, if appropriate, may be read by the convener of the hearing.

APPEALS

Filing an Appeal

Both parties are entitled to appeal a disciplinary decision, with the exceptions described at the beginning of this booklet about mediation and administrative resolutions. The appeal, including the basis of the appeal, must be filed in writing within ten days of the notification of the disciplinary decision. The appeal must specifically state the basis for the appeal (see below) and the information/evidence in support of the appeal. In exceptional circumstances, upon written request to the chair of the appeal body, an extension may be given for late submission of this material. Otherwise, materials submitted out of time will not be considered.

An appeal of a disciplinary decision, regardless of which judiciary or University official issued the decision, must fall into one of the following categories:

> Denial of fair process

The question before the appellate body will be whether or not the process used by the judiciary provided an opportunity for the case to be considered fairly. There are some cases where a deviation or change from the general procedures outlined in the judicial process will have occurred but where the deviation or change will not have affected the outcome of the hearing. In such cases, there is no denial of fair process. Only the judiciary, not the other party, will respond before the appellate body to the issues raised in the appeal.

If the appellate body determines that there was not an opportunity for fair process in the hearing, the decision of the judiciary will be vacated and a new hearing will occur before a new judiciary. The appellate body does not hear the complaint.

> New evidence

Occasionally, evidence becomes available after the judiciary hears and decides a case. When such evidence could have substantially affected the outcome of the hearing before the judiciary, the appellate body may vacate the judiciary decision and have the same judiciary hear the new evidence and issue another decision. The party against whom the evidence is being introduced will be able to argue before the appellate body that the evidence is not new and/or that the evidence could not have substantially affected the outcome of the hearing.

> Severity of the consequence (for responding party only)

The party subject to the disciplinary action will be able to argue that the consequence assigned is inconsistent with the the outcomes for those who were found to be responsible for a substantially similar violation or offense. In this type of appeal, some or all representatives of the original panel (or the decision maker in the absence of a hearing) will be present to argue the rationale for the consequence assigned.

It is up to the appellate body to determine whether the appeal statement clearly identifies and explains one or more of the above reasons for the appeal. In the absence of such demonstration, the appeal will be denied. The appeal is not an opportunity to argue that the initial decision was wrong. The appeal is not a new fact-finding process.

The documents provided to the appellate body will include the initial complaint and response forms, the outcome letter from the Judicial Affairs Officer or judicial board, and the appeal letter. Other documents may be admitted at the discretion of the convener.

Outcomes determined through mediation, arbitration, and administrative resolution where the accused party has waived his or right to a judicial hearing are not subject to appeal.

Dismissal of an Appeal

All appeals must be filed within the stated time limits and must set forth the basis for the appeal as well as the information/evidence to support an appeal. The appellate body or its convener may decide not to accept an appeal that does not comply with the requirements noted above, or it may take other action to bring the appeal into compliance.

Procedure for Appeals to The Committee on Student Life, TCUJ, and Fraternity & Sorority Appellate Board

The appeals procedure is as follows:

- > **Opening statement of the appealing party (limited to five minutes)**
- > **Opening statement of the responding party (limited to five minutes)**
- > **Questioning of the parties by the appellate board**
- > **Questioning of the parties by each other**
- > **Closing statements of the responding party or advocate (limited to ten minutes)**
- > **Closing statements of the appealing party or advocate (limited to ten minutes)**

There may be circumstances where the convener will change this order of events.

During the appeal process, the parties must limit themselves to the basis of appeal. The appeal is not a new hearing. An appeal may be ended or dismissed if any party brings into the process information or arguments not within the accepted basis for appeal. Following the closing statements, the appeal body will go into executive session.

Procedures for Appeals Other Than CSL, TCUJ, and Fraternity & Sorority Appellate Boards

Mechanisms differ, but appeals for all campus judiciaries begin with a letter stating one of the three bases listed above. The same submission deadline applies. See the description of the available judiciaries for a discussion of where appeals are heard.

Open or Closed Appeals

Requests for a closed process must be made in writing to the chair of the appellate body no later than 48 hours before the scheduled appeal date.

Advocates

The same rules and procedures apply as described in the hearing section of this booklet on page 11, although not all appeal processes will be conducted as hearings.

Outcome of an Appeal

A decision on the appeal will be made by a majority vote, if applicable. The judicial board or University official hearing the appeal may modify or leave unchanged a disciplinary decision. If a change is seen as appropriate, it may result in a new consequence that is less severe, more severe, or simply different. The full range of consequences is available to the appellate body.

Action Prior to a Final Determination

A judicial outcome is not final until the appeal process has been waived, expired or concluded, with the exceptions noted above. No disciplinary action will be imposed prior to a final determination unless a party is reasonably believed to pose a threat to others in the community or when warranted by other special circumstances. In rare circumstances, the seriousness of an allegation may cause the University to ban an individual from the campus pending the outcome of the judicial process. Additional violations during judicial process or appeal process may be considered for additional charges. Due to the awkwardness of continuing contact between complaining and responding parties, the University may require disputing parties to avoid contact with each other. As long as this “no contact” mandate is adhered to, it will not affect the judicial process and is not considered to be disciplinary action. Please read the section below entitled, “Disciplinary Charges Pending.”

UNIVERSITY DISCIPLINARY ACTIONS

Fines and other consequences may result from violations of University policies. Some violations may result in serious disciplinary action, even for a first offense. For example, violations that may result in suspension or expulsion from the University, even for a first offense, include but are not limited to: assault or threats; rape; firearms offenses; major academic dishonesty; felonious theft; hazing; and distribution of controlled or illegal substances.

Relevant circumstances, provocations, motivations, and previous disciplinary involvement are examples of factors that may be considered by judiciaries and University officials in deciding disciplinary cases and/or appeals.

NOTE: The University judiciaries have the authority to impose any sanctions commensurate with the seriousness of the offense.

University disciplinary actions may include, but are not limited to, the following:

Community Service

Community service assignments may be very specific in nature and for any number of hours. If the service or requirement is not specified, the work may be done for any public service agency in the cities of Somerville or Medford, or the greater Boston area. The student may not be compensated for the service. Options frequently pursued include work with homeless shelters, soup kitchens, neighborhood improvement programs, school volunteerism, blood donation drives, etc. Organizations such as the Leonard Carmichael Society can be helpful in identifying volunteer opportunities.

NOTE: Failure to complete community or specific service assignments or other requirements in the designated time will result in additional disciplinary action.

Disciplinary Probation I

Disciplinary Probation I is a serious warning that a student's behavior has breached the standards of the community. Subsequent violations during the period of probation are likely to lead to more serious disciplinary action. No notation is entered on a student's University transcript for Disciplinary Probation I. Students on Probation I are still considered to be in good standing at the University, but eligibility to participate in certain programs may be affected. Some of these activities include pledging or joining a fraternity or sorority and becoming or remaining a member of residential staff.

Disciplinary Probation II

Disciplinary Probation II indicates that indicates a more serious breach of community standards and subjects the student to suspension from the University for any further disciplinary infraction. The probation may last for any specified period. A record of Probation II is noted on the student's University transcript for a period of four years from the date of the incident that caused the action. Students on Probation II are not considered to be in good standing at the University for the actual duration of the probation, and are ineligible to participate in various University activities unless an exception is made by the Dean of Student Affairs or the Judicial Affairs Officer. Some of these activities include participation in study abroad programs, varsity sports, pledging or joining a fraternity or sorority, becoming or remaining a member of residential staff, and becoming or remaining an officer of a student organization.

NOTE: Prior to requesting a transcript, students whose University transcripts reflect Probation II are strongly advised to verify with the Judicial Affairs Officer that the notation has been expunged at the intended date.

Suspension from the University

Suspension from the University requires a student to leave the University within 48 hours of notification if no appeal has been filed. Otherwise, suspension begins on the date specified in the decision. If an appeal has been filed within forty-eight hours of notification, the suspension will not become effective until the appeal process is complete unless the Dean of Student Affairs makes an exception. Suspension may last for any period and results in a permanent notation on a student's transcript. During suspension, a student is not in good standing and may not participate in any University activities, including study abroad programs. The student is not allowed to be on the University campus for any reason without permission from the Dean of Student Affairs or Judicial Affairs Officer and may not transfer credit to Tufts for courses taken elsewhere during the suspension. A suspended student is eligible to return to the University at the end of the specified period unless additional violations occur during the period of suspension.

Expulsion from the University

An expulsion is similar to suspension except that the student may not return to the University.

Disciplinary Charges Pending

In disciplinary proceedings that could result in a consequence where a disciplinary notation would be placed on a student's University transcript, "disciplinary charges pending" will be posted on the transcript at the time the complaint is filed. The notation will be removed or changed as required following final resolution of the complaint, including any possible appeal.

Withdrawal with Disciplinary Charges Pending

If a student withdraws from the University after disciplinary charges have been filed against him or her or while disciplinary charges are pending against him or her, a permanent notation will be placed on the student's record stating, "Student withdrew with disciplinary charges pending." A student who leaves under these circumstances will not be eligible to return to the University.

Notations on Transcripts

Notations on University transcripts of suspension, expulsion, and "Student withdrew with disciplinary charges pending" are permanent. Notations on University transcripts of Disciplinary Probation II remain on the transcript for four years from the date of the incident.

Parental Notification

Since the University views students as adults, parents and guardians are not notified by the University of every student transgression. However, the University generally will attempt to inform a parent(s) or guardian(s) when students are found in violation of a second alcohol or other drug offense, are placed on Disciplinary Probation II, “deferred residential separation,” or are separated from University housing or from the University. Students are encouraged to inform their parent(s) or guardian(s) about disciplinary difficulties and to refer them to the Office of the Dean of Student Affairs if they have any questions.

In order to let parents or guardians be involved in a decision to appeal a serious disciplinary consequence, the University generally will attempt to inform parents or guardians of a decision involving Probation Level II, suspension or expulsion at the time the consequence is initially imposed.

Please note that the University will attempt to get in touch with families immediately if the Director of Mental Health Services or Director of Medical Services deems that a student’s well being is in jeopardy or if a student is hospitalized involuntarily. The University will also involve families if a student cannot be located and there is reasonable cause for concern. These determinations are not part of the disciplinary system.

RESIDENTIAL DISCIPLINARY ACTIONS

Residential disciplinary actions may include the following:

Community Service

Community service assignments may be very specific in nature and for any number of hours. If the service requirement is not specified, the work may be done on campus within the residence halls as designated by the Assistant Director of Community and Judicial Affairs or the Residential Judiciary Board. The student may not be compensated for the service.

NOTE: Failure to complete community service assignments in the designated time may result in additional residential disciplinary action.

Residential Probation

Residential probation is a formal indication that a student’s ability to reside in University housing is in jeopardy unless there is a significant change in behavior. Residential probation may be imposed for a specified time in response to behavior that indicates an unwillingness or inability to conduct oneself according to the established community standards. Failure to comply with the terms of the probation, or additional violation of community standards during the probationary period, will result in more serious disciplinary action.

Deferred Residential Separation

A party may be placed on official notice that a subsequent violation within the residence system may result in the loss of eligibility to continue to reside in University housing. This notice does not go on a student's University transcript, but parents are informed of the action. Note that the University's residency requirement is not waived in these circumstances, except at the discretion of the Dean of Student Affairs. Students who lose eligibility to continue in residence will have to fulfill the residency requirement in a subsequent semester or year.

Separation from University Housing

A party may be required to leave University housing for violation of certain University rules or regulations. Separation from housing may be for any specified period, but usually lasts for a minimum of one full semester. Parents are informed of this consequence. Some examples of behavior that might lead to separation from University housing include:

- > **Fire and life-safety violations;**
- > **Chronic or major hall vandalism;**
- > **Chronic inappropriate hall behavior;**
- > **Violation of residence hall probation;**
- > **Chronic offenders of alcohol/drug policies.**

Separation from housing does not become part of a party's University transcript. For more information on residential disciplinary actions, please see the appropriate section in the *Habitats* booklet.

TUFTS UNIVERSITY JUDICIAL CODE

In the following sections of this booklet, you will find typical judicial consequences for various violations of community standards.

Since every case is unique, the action determined to be appropriate for a particular violation may differ from that indicated in these summaries. These guidelines evolve over time, reflecting the changing values of the community and, in some instances, changes in the law. The current guidelines reflect the judgments made by judiciaries and hearing panels in recent years and are the consequences that you should anticipate will be imposed for demonstrated violations.

Please remember that these summaries do not include every violation for which disciplinary action could result. They are not intended to be comprehensive, but instead to provide a context in which new or unlisted offenses can be judged for appropriate outcomes.

You should also read the Code of Conduct in the *Pachyderm* and the booklet *Academic Integrity* to see broader descriptions of the standards of the community, both in the areas of good citizenship and expected ethical behavior.

The following pages include three categories of violations. The first addresses the code for a variety of behavioral standards. The second addresses standards specifically about ethical behavior and the responsible use of the University's electronic resources. The third is adopted by the Faculty of the Colleges of Arts & Science and Engineering and addresses academic integrity related to coursework. This summary provides guidelines not only for disciplinary outcomes appropriate for dishonesty, but also the grading consequences that will result. Some violations appear in more than one level, reflecting the uniqueness of each case and the judiciaries' consideration of such factors as level of damage or harm caused, impact on the community, acceptance of responsibility and accountability, etc.

I. THE CODE FOR GENERAL BEHAVIOR AND CITIZENSHIP EXPECTATIONS

Disciplinary Probation I

- > Rude and disorderly conduct (including indecent exposure)
- > Minor vandalism or graffiti
- > Lack of cooperation with University officials, including residential staff
- > Harassment, including that through the use of electronic communication
- > Violation of policy on gatherings, demonstrations, and disturbances
- > Misuse of University or other ID
- > Urinating in public
- > Creating a disruption in the surrounding communities
- > Failure to evacuate during a fire alarm
- > Second alcohol or other drug offense

Disciplinary Probation II

- > Destruction of property
- > Illegal entry or trespassing without force
- > Perjury before a disciplinary panel or University official in a disciplinary case
- > Harassment, including electronic devices, email or any electronic mechanism
- > Fraud (less serious)
- > Violation of Probation I
- > Violations of University parking policy, including altering a University parking decal or registering a car for another individual
- > Possession of a fraudulent ID, driver's license, or University parking decal

- > Lack of cooperation with University officials, including residential staff
- > Possession of controlled substances
- > Theft or attempted theft of property valued at less than \$100
- > Requesting delivery for or purchasing explosives
- > Possession of weapons (including replicas)

Suspension: One Semester

- > Assault
- > Theft of services (e.g., Internet, cable, television, etc.)
- > Possession of controlled substances
- > Providing alcohol to an individual under 21 years of age
- > Theft or attempted theft of property valued at \$100–\$500
- > Violation of Probation II

Suspension: One Year or Longer

- > Assault
- > Harassment, including that through electronic communication, especially after a warning or campus stay away order.
- > Hazing
- > Theft of property valued at \$500 or more
- > Fraud (more serious)
- > Illegal entry/trespassing with force
- > Violation of Probation Level II
- > Possession of weapons or explosives

Expulsion

- > Assault
- > Rape or attempted rape
- > Involvement in the manufacture or distribution of fraudulent identification cards
- > Embezzlement from the University or University organizations
- > Falsifying financial aid, employment, transcripts, or other official documents
- > Dealing or trafficking in controlled substances
- > Further difficulty after return from suspension
- > Vandalism
- > Hazing
- > Multiple violations of a serious nature
- > Possession of weapons or explosives

When violations are motivated by bias, more serious consequences may be imposed. Multiple violations in a particular incident may also result in more serious consequences.

For a complete description of the policy on alcohol and other drugs, including consequences for violations, please refer to the *Pachyderm*.

NOTE: As state and federal laws change, penalties for certain violations may become more or less significant than listed here.

II. THE CODE FOR ETHICAL STANDARDS AND THE RESPONSIBLE USE OF THE UNIVERSITY'S ELECTRONIC RESOURCES

NOTE: Computer resource violations that constitute other crimes, such as harassment, theft, etc., may be considered under the "general behavior code" above, in addition to the code for electronic resources.

The Information Technology Responsible Use Policy is explained in the *Academic Integrity* booklet. Violation of this policy may result in, among other consequences, a denial of further access to the University's computer resources.

Disciplinary Probation I

- > Providing another individual (including family members) use of your computer or network password
- > Second violation of the Digital Millennium Copyright Act (penalty also includes loss of Tufts network privileges)
- > Various minor violations of the Information Technology Responsible Use Policy for Students in Arts & Sciences and Engineering

Disciplinary Probation II

- > "Spamming" (electronic sabotage of another's equipment)
- > Sabotaging another student's chances in a class, including making library materials unavailable, deleting computer files, etc.
- > Submission of a stolen or forged medical pass (or other document) for a class absence
- > Forgery on an academic petition (e.g., add/drop form)
- > Running password or other privacy-circumventing programs
- > Electronic intrusion into University computing systems (causing no damage)
- > Running copyrighted software without authorization
- > Knowingly running restricted access (e.g., operator's) systems or programs
- > Intentional copyright violation

- > Intentional fair use or libel violations
- > Third violation of the Digital Millennium Copyright Act (penalty also includes loss of Tufts network privileges)
- > Violation of Probation I

Expulsion or Suspension

- > Falsifying University or academic documents or records
- > Participating in the theft and/or unauthorized distribution of copyrighted materials
- > Electronic intrusion into University computer systems (causing damage)
- > Dishonesty or cheating in the use of an accommodation provided by the University
- > Knowingly running or accessing systems or programs that are restricted from your access or are beyond your authority even if they are available

III. THE CODE FOR ACADEMIC INTEGRITY RELATED TO COURSEWORK

In the Spring of 2006, the Faculty of Arts & Sciences and Engineering adopted, through its Educational Policy Committee, a policy that requires faculty members to report all instances of suspected violations of academic integrity to the Office of the Dean of Student Affairs. The circumstances and evidence that are the basis for the suspicion will be considered within the *Student Judicial Process*. If a student is found responsible for a violation, consequences may include disciplinary probation, suspension, or expulsion. There may also be a grading consequence for the work in question, for the course grade, or for both.

The faculty adopted the following set of guidelines that will apply to admitted or demonstrated cases of academic dishonesty, or situations where irrefutable evidence exists.

GRADING AND DISCIPLINARY GUIDELINES FOR ACADEMIC INTEGRITY VIOLATIONS

	Offenses	Grading Consequence	Disciplinary Consequences
Level I Offenses	<ul style="list-style-type: none"> > Plagiarism: Inadequate paraphrasing or direct borrowing of others’ words (without use of quotation marks) that affects a small portion of the paper, but the source is cited in the bibliography and/or in the body of the paper. (Benefit of the doubt is given that the student didn’t know better) > Unauthorized collaboration when the work is a small % of the course grade > Lending your paper or work to another student and knowingly facilitating another’s dishonesty 	<ul style="list-style-type: none"> > Reduced grade for the work (or) > “Zero” or “F” on the work with the possibility to resubmit it for a replacement grade > There is no automatic course grade consequence for a Level I Offense 	<ul style="list-style-type: none"> > Probation Level I (Warning) (No transcript notation) > Required meeting with Academic Resource Center
Level II Offenses	<ul style="list-style-type: none"> > Plagiarism: Inadequate paraphrasing or direct borrowing of others’ words (without use of quotation marks) that affects a large portion of the paper, but the source is cited in the bibliography and/or in the body of the paper > Plagiarism: Direct borrowing of others’ words (without use of quotation marks) that affects a small portion of the paper, and the source is not cited in the bibliography or in the body of the paper > Inventing or falsely attributing the sources used in a paper or other work > Unauthorized collaboration (the work is a large % of course grade) > Unauthorized collaboration on a lab report > Submitting one work for two courses without permission of both instructors (the work will count for one course only) > A second Level I Offense 	<ul style="list-style-type: none"> > “Zero” or “F” on the work without the ability to resubmit it for a replacement grade (or) > Automatic course grade consequence of anywhere from one letter grade reduction to “F” 	<ul style="list-style-type: none"> > Probation Level II (Transcript notation –expunged after four years) > Required meeting with Academic Resource Center

	Offenses	Grading Consequence	Disciplinary Consequences
Level III Offenses	<ul style="list-style-type: none"> > Falsifying data > Submitting an exam for re-grading after altering original answers > Submitting a fraudulent excuse for coursework missed > Cheating on an exam > Bringing unauthorized materials into the room during an exam > Enlisting another to take an exam for you > Inventing or falsely attributing the sources used in a paper or other work > Plagiarism: Direct borrowing of others' words (without use of quotation marks) that affects a large portion of the paper, and the source is not cited in the bibliography or in the body of the paper. Little or none of the paper is the student's own original work > Submitting a paper as one's own that has been wholly or mostly written by someone else, whether that paper has been purchased, borrowed, found, stolen, etc. > An additional offense following a Level II offense 	<ul style="list-style-type: none"> > "F" in the course (or) > "Zero" or "F" on the work without the ability to resubmit it for a replacement grade 	<ul style="list-style-type: none"> > Suspension or Expulsion (Transcript notation – permanent) > Required meeting with Academic Resource Center

Notes:

1. Once accused of academic dishonesty, a student may not withdraw from a class, regardless of when the alleged offense occurred during the semester.
2. A student accused of or found responsible for academic dishonesty has the right to continue in the course regardless of the grading consequence, unless separation from the University has been imposed.
3. The Student Judicial Process provides a mechanism for appeals of the disciplinary consequence on the basis of severity of consequence, denial of fair process or new evidence. There is no appeal of grading consequences.

Be sure to read *Academic Integrity* available through the Office of the Dean of Student Affairs or at <http://studentservices.tufts.edu/dos>.

CAMPUS JUDICIAL MECHANISMS

The University community provides a variety of mechanisms for disciplinary hearings:

The Residential Judiciary Board

The Residential Judiciary Board is made up of two resident directors and three student residential judiciary board members and is convened by the Assistant Director of Community and Judicial Affairs. The Residential Judiciary Board may impose judicial resolutions, including those that affect an individual's housing status or eligibility to reside in University housing. The Residential Judiciary Board may not impose University disciplinary action, but may refer cases to the University Judicial Affairs Officer if such action is seen as appropriate. The Residential Judiciary Board will hear cases stemming from incidents that occur in a residence hall even if the students involved do not reside in the hall. The residence hall judicial system also includes arbitration and mediation options as non-disciplinary mechanisms to help resolve roommate and hall citizenship issues. Refer to the section on mediation in this booklet for information about the process.

Appeals of decisions made by the Residential Judiciary Board may be brought to the Judicial Affairs Officer or the TCU Judiciary.

The Fraternity and Sorority Judiciary Board

The Fraternity and Sorority Judiciary Board is made up of members of the Tufts fraternity and sorority community who have applied for and been selected to serve on the board. A panel of the board will be convened to address judicial issues, with the board and panel advised jointly by the Judicial Affairs Officer and the Office of Fraternity and Sorority Affairs. The panel will be convened to hold sanctioning hearings (as defined on page 11) as well as to hear cases and render decisions when there is reason to believe that a University or fraternity and sorority affairs policy has been violated. The Fraternity and Sorority Judiciary Board may not impose disciplinary action for individuals but may refer them to the Judicial Affairs Officer if such action is seen as appropriate. The FSJ Board may impose decisions that are consistent with University precedent, including removal of recognition, as long as the sanctions are appropriate to the violation and behavior.

Appeals of the FSJ Board's decisions may be brought to the Fraternity and Sorority Appellate Board, which is composed of the Dean of Student Affairs, a representative of the Office of Fraternity and Sorority Affairs, and a student member of the Fraternity and Sorority Judiciary Board who did not participate in the original proceedings.

The Tufts Community Union Judiciary

The TCU Judiciary Office hears cases concerning the Tufts Community Union Constitution. In this regard, complaints may be brought against individuals or student organizations. The TCU Judiciary may not impose University disciplinary action on individual students but may refer cases to the Office of the Dean of Student Affairs if such action is seen as appropriate. This judiciary, located in the Campus Center, is made up of students elected at large by the student body.

Appeals of decisions made by the TCU Judiciary are heard by the Committee on Student Life.

The Dean of Student Affairs Judiciary

The Dean of Student Affairs Judiciary hears cases against individuals or groups of individuals (but not against student organizations). The Dean of Student Affairs must approve the panel's determination of whether a violation has been established and is usually guided by the panel's recommendation for consequences to ascertain that the recommendation is feasible and in accordance with disciplinary policy. The dean's panels are made up of three members of the Tufts administration or faculty and two student members of the TCU Judiciary. The administrative or faculty members are selected based on availability and expertise. The student members are selected by lottery from among the seven elected TCU judiciary members. Parties involved in a hearing will not have an opportunity to request specific panelists.

Appeals of decisions made by the Dean of Student Affairs Judiciary may be brought to the Committee on Student Life.

The Committee on Student Life

The Committee on Student Life has jurisdiction over complaints against student organizations (except fraternities and sororities) and appeals of decisions made by the TCU Judiciary and the Dean of Student Affairs Judiciary or the Judicial Affairs Officer. The committee will hear cases of alleged behavioral violations and/or those that involve allegations of violation of University, state, or federal laws. While not exclusively a disciplinary body, it may impose any consequences seen as appropriate against student organizations. The TCU Judiciary will hear cases that involve allegations of violations of the TCU constitution or bylaws. Appeals of such cases, however, will be heard by the Committee on Student Life.

The committee does not take initial disciplinary action against individuals. It may, however, refer charges against individuals to the Office of the Dean of Student Affairs. The committee is composed of members of the faculty, appointed by the faculty of the Colleges

of Arts & Sciences and Engineering; by students elected at large by the student body; and by a representative of the Graduate Student Council. The Committee on Student Life is available each semester until the last day of classes.

The Dean of Arts and Sciences and the Dean of Engineering have designated the Dean of Undergraduate Education to hear appeals of initial decisions made by the Committee on Student Life.

The Dean of Undergraduate Education

The Dean of Undergraduate Education hears appeals of original decisions made by the Committee on Student Life. These would be cases where the responding party is a student organization, where the committee has primary jurisdiction.

When the Committee on Student Life is not in session (i.e., between the last day of classes and the first day of classes of the following semester), the Dean of Undergraduate Education will hear appeals that would be heard by the committee if it were in session. In some instances, the dean may elect to postpone the appeal until the new semester so that it can be heard by the committee. However, if the timing of the resolution is important, either to determine a student's enrollment status for the upcoming semester or for other reasons, the appeal will proceed. At all times of the calendar year, the Dean of Undergraduate Education will be heard by the dean.

Appeals before the dean are not considered in a hearing format. The dean will decide the appeal based on a review of the documents available. The dean may also meet with the appellant, the other parties in the case, and/or the members of the judiciary who made the first decision. The dean will determine the process to be used and the materials or information deemed to be relevant.

Availability of Judiciaries

All of the judicial mechanisms described above are available during the fall and spring semesters, except as noted. At other times, judiciaries involving student panelists are usually not available. The student advocacy program is not available during the summer. At such times, complaints and appeals may be heard by alternative bodies, if necessary, or more typically will be deferred until the next academic term. For example, the Dean of Student Affairs Judiciary would hear cases that would normally be judged by residential judiciaries. The Dean of Undergraduate Education or his/her designee would judge cases that would normally be judged by the Committee on Student Life.

If you have any questions regarding the Student Judicial Process, please contact the Judicial Affairs Officer in the Office of the Dean of Student Affairs.

