

Frequently Asked Questions

The University of Maryland Eastern Shore (UMES) is a student-centered community, the central purpose of which is the discovery and transmission of knowledge and learning through scholarly research, teaching, service, and community outreach, building towards the total development of its students and the global community.

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

The UMES Judicial System is designed to assure due process, with the speedy and constructive resolution of cases and controversies involving student discipline, behavior and conduct. A humanistic approach to discipline is employed whenever possible. It is intended that this judicial system, will operate on the principle that justice will best be served by promoting the development of self-knowledge and self-discipline, expressed in socially desirable ways, rather than harmful, destructive or immature attitudes or behaviors.

The Student Code of Conduct outlines rules and regulations relative to student conduct and housing, and is applicable to all students, as well as registered student organizations. It is the responsibility and the duty of every student to become acquainted with this Student Code of Conduct. Every student is presumed to have knowledge of the Student Code of Conduct and to agree to abide by the Code as a condition of his or her enrollment. Ignorance of the Code of Conduct and its provisions will not constitute a defense in any proceeding against a student. Copies of the Code of Conduct will be provided to each incoming student and will be generally available in the Offices of the Judicial Administrator, Public Safety, and the Vice President for Student Affairs.

UMES Code of Student Values

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

This guide was developed as a quick reference tool to provide information for parents and incoming students about the UMES student judicial process. This guide is by no means intended to serve as the only resource available to students or the UMES community. If you have questions about the process that are not answered here, please contact the Judicial Administrator. To speak with the Judicial Administrator call (410) 651-8440 for further assistance.

Reporting crimes and incidents immediately is very important. The University Police Department is an agency that is manned by sworn police officers who have arrest powers. The Police Department complements its sworn police officers with security personnel and Student Security. Any occurrence that takes place on campus is to be reported immediately, and those that occur off campus should be reported as soon as possible.

Any victim or witness of a crime, who desires to report an incident on a voluntary and confidential basis, may do so through the Police Department, the Vice President for Student Affairs, the Vice President for Administrative Affairs, Student Security, Athletic Director, Coaches, Area Directors, and Resident Assistants, or any other member of the UMES faculty/staff. The individual's identity will be safeguarded when possible.

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

Frequently Asked Questions

Q: Why is a particular rule or policy in place?

A: Policies are designed to support the University's academic mission. They are meant to support a safe environment where people can work, study, and live without undue interference. They are also designed to build and support the academic and social community, teach students responsibility and civility, as well as promote critical thinking and ethical development.

Q: What is the Judicial Board?

A: The Judicial Board administers the judicial process when cases are referred regarding possible violations of the Student Code of Conduct. The Judicial Board is composed of seven (7) members selected from the faculty, staff, and students.

Q: Where is the Judicial Office?

A: The Judicial Office is located in the Office of the Associate Vice President for Student Affairs; on the 2nd floor of the Student Services Center, in suite 2165.

Q: What is the role of the Judicial Administrator/Assistant Administrator?

A: They work under the direction of the Vice President for Student Affairs and manage the judicial process, ensuring that each student is afforded due process and protections as provided by law.

Q: What is the role of the Judicial Board Chairperson/Vice Chairperson?

A: The Chairperson/Vice Chairperson presides over Judicial (student disciplinary) Hearings. He/she conducts each hearing; directs questions to witnesses and manages the hearing process.

Q: What is the jurisdiction of the Student Code of Conduct?

A: The jurisdiction of the Student Code of Conduct encompasses all students on or within all University premises/campuses, or while on University sanctioned events. The jurisdiction extends beyond these limits (off campus) when conduct threatens the safety and well being of other University students, faculty, or staff, or adversely affects the University community or the pursuit of its objectives.

Q: Why did I receive a Notice of Judicial Action/Complaint?

A: The Judicial Administrator received a referral from the Office of Public Safety (University Police), Office of Residence Life, or a faculty/staff member that you may have violated the Student Code of Conduct. This complaint prompted the need to follow the formal disciplinary process.

Q: Who can file a complaint against a student with the Judicial Board?

A: Most Judicial cases are referred from the Office of Public Safety (University Police). However, the Office of Residence Life, any member of the faculty/staff or students can file a complaint against another student.

Q: What if I was not aware of the Student Code of Conduct?

A: All incoming students are required to attend Enrollment 101 and New Student Orientation. During these sessions, a lecture on University policies and procedures (including the Code of Conduct) is conducted. Copies of the Student Code of Conduct are made available to students at these sessions. Copies are also readily available in the Offices of the Vice President for Student Affairs, Associate Vice President for Student Affairs, and online. Students are responsible for knowing the content of the Student Code of Conduct. Ignorance of the Student Code of Conduct will not constitute a defense in any proceedings against a student.

Q: Why did I receive a Notice to Appear as a Witness?

A: You are not in trouble. According to an incident/complaint report, you may have witnessed a student violating the Student Code of Conduct. You are only required to appear before the Judicial Board to state what you know about the incident.

Q: What is a Pre-hearing or an Administrative Hearing?

A: The pre-hearing is an informal meeting with the Judicial Administrator or his/her designee. He/she will review the charges, allegations against you, possible sanctions and the judicial and hearing process. An Administrative Hearing is a formal hearing before the Judicial Administrator, usually involving minor Code violations which may not result in a student's suspension or expulsion from the University. Administrative Hearings are considered at the discussion of the complaint and the Judicial Administrator.

Q: What happens if I do not attend the Pre-hearing or Judicial Hearing?

A: Nothing will happen if you do not attend the pre-hearing, however you will miss an opportunity to ask questions about the process prior to your scheduled judicial hearing. If you fail to appear for your scheduled judicial hearing, the hearing may take place as scheduled without you. The Judicial Board will render a decision in your absence based on the testimony of those present and the evidence. The Judicial Administrator will then issue that decision which is binding.

Q: What is the role a parent or guardian in the judicial process?

A: A parent or guardian does not have to be involved in the judicial process. However, we recommend that the student discuss the situation with them, especial if the violation could result in the student's suspension or expulsion from the University. A parent or guardian may come to the campus to support the student, but they will not be permitted in the room during the hearing.

Q: Are parents notified of disciplinary actions, decisions, and/or sanctions?

A: A parent or guardian may be notified, if the Code violation could result in the student's suspension or expulsion from the University, or if the student is found responsible for violating any provision/section of the University Drug and Alcohol Policy. A parent/guardian will be notified if a student is suspended, or expelled from the University. Parents may also be given information regarding a student's case if that student has waived his/her FERPA rights.

Q: Where can I learn more about FERPA?

A: The Department maintains a FERPA website (with links to FERPA regulations) at: www.ed.gov/offices/OM/fpc/ferpalist.html. You may also contact the University, Office of the Registrar for FERPA compliance information and a waiver.

Q: Is an attorney needed?

A: A student charged may have an advisor throughout any part of the discipline process. This advisor can be anyone from a family member to an attorney (of his/her choosing and at his/her expense). However, the role of an attorney is limited in campus discipline/judicial matters as outlined in the Code.

Q: What is the role of an advisor/attorney in the judicial process?

A: A student may have an advisor assist in preparing for the hearing and they may be present at the hearing. Their role is limited to non-active participation. They may not address the Judicial Board or any witness. However, they will be able to sit with the student in the hearing and assist the student in the protection of their Fifth Amendment rights.

Q: What does the judicial office expect of the student?

A: Cooperation and honesty. The judicial/disciplinary process is educational and requires that students own up to any mistake they may have made. Students will be given the information about how the process works and what they can expect during their initial meeting and/or hearing.

Q: Can the student have witnesses?

A: Charged students are allowed to call fact witnesses during the judicial process. A fact witness is someone who was present during the incident in question and can provide direct information about what happened. Fact witnesses will be asked questions by all parties involved (Judicial Board, University Police and the accused). Charged students are also permitted to call character witnesses during the process. A character witness is someone who can speak to a student's character as to the kind of person they are outside of the incident. A character witness will be asked to provide a statement about character and will not be asked specific questions relating to the incident. The Judicial Board may limit witnesses, if the information provided is the same.

Q: What is a sanction?

A: A sanction is the penalty a student will receive if found responsible (guilty) for violating the Student Code of Conduct.

Q: What happens if a student is suspended?

A: If a student is suspended from the University, they are temporarily dismissed for a stated period of time as recommended by the Judicial Board. Suspended students may not:

- Be present on University premises/campus.
- Attend classes, activities or events.
- Receive academic credit.
- Participate in extracurricular activities (including athletics and Greek Life).
- Be employed by the University.

A student who has been judicially suspended will not receive a tuition reimbursement.

Q: What happens if a student is expelled?

A: If a student is expelled, they are permanently dismissed from the University, and are permanently denied the privilege to:

- Be present on University premises/campus.
- Attend classes.
- Participate in extracurricular activities (including athletics and Greek Life).
- Be employed by the University.
- Attend any University System Institution (USM) for one year from the date of their expulsion.

A student who has been judicially expelled will not receive a tuition reimbursement.

Q: What happens if a student does not comply with a judicially imposed sanction?

A: If a student fails to comply with the imposed sanction, he/she will be charged with a Violation of Failure to Comply with Judicial Sanctions. A judicial hold will be placed on their academic record and additional sanctions may be imposed, including suspension from the University.

Q: What happens if a student can't complete their sanctions by the stated deadline?

A: That student must contact the Judicial Administrator to make alternate arrangements. Failure to complete sanctions as ordered in a timely and satisfactory manner may result in additional sanctions, including suspension from the University.

Q: What happens after the completion of a sanction of suspension?

A: Students should always follow the directions provided in their sanction letter. However, after they have completed their suspension, they may be required to provide the Office of the Associate Vice President or designee, with qualifying documentation that they have in fact satisfied the conditions of their suspension. Generally this documentation has to be sent to the Office of the Associate Vice President two months prior to their intended return to the University. Failure to comply may result in a delay in their return to the University.

Q: What types of offenses typically result in suspension or expulsion from the University?

A: There is no hard and fast answer to this question as each judicial/disciplinary case varies from individual to individual; however, there are some general categories that more often result in separation from the University. These offenses include any form of physical abuse or assault (fighting), drug offenses, hazing, possession and/or use of weapons, significant academic misconduct, and repeated Code violations.

Q: Do disciplinary records appear on a student's academic transcript?

A: Disciplinary files are maintained separately from other student files and are retained for five years. Potential employers/graduate or professional schools may wish to review disciplinary files, however information will not be disclosed without a student's written consent. However, we must make files available, if we are under legal compulsion to do so, or if the safety of the student is threatened.

Q: Why is there a disciplinary hold on my record?

A: There are many reasons why there may be a disciplinary hold on a student's record. The most common reasons are:

- The student has yet to contact the Judicial Administrator regarding an official Notice of Judicial Action.
- The student has not completed imposed sanctions.
- The student has been suspended or expelled.
- The student has a pending case and/or has left the University.

If you have a judicial/disciplinary hold on his/her record, they will not be eligible to register for classes, receive a diploma, or obtain transcripts. Please contact the Judicial Administrator at (410) 651-8440 to determine why there is a disciplinary hold on your record.

Q: What is the appeal process?

A: The appeal process is clearly outlined in the Student Code of Conduct. Please contact the Judicial Administrator if you have any questions.

Q: Does a student still have to comply with sanctions if they are appealing the decision?

A: If a student is appealing the decision of the Judicial Board, the sanctions may be deferred (stayed) until the appropriate administrator or Appeals Board makes a final decision. If the sanction is not deferred, then the student is expected to comply with the sanction.

Q: What happens if the decision was upheld during the appeal process?

A: The decision of the Judicial Board stands and the student must immediately comply with all imposed sanctions.

Q: What does it mean if an appeal is denied?

A: If an appeal is denied, it did not meet one or more of the two provisions set forth in the Student Code of Conduct. The decision of the Judicial Board stands and the student must immediately comply with all imposed sanctions.

Q: What if the student wants to wait until he/she has registered to contact the Judicial Administrator, attend the Pre-hearing or Hearing?

A: Generally this is a bad idea. If the student waits until the last minute to try to resolve the issue, he/she runs the risk of not being able to register on time. If there is a judicial hold on the academic record and/or account, it will NOT be removed until the student has attended a meeting/hearing and addressed the issue at hand.

Q: What happens if a student has to go to court for the same incident; do they still have to attend a campus Judicial Hearing?

A: Yes. Students are responsible for violations of the law and violations of Student Code of Conduct. The student judicial process is separate from the legal system. Unless otherwise provided by law, judicial proceedings may occur simultaneously with, or following criminal and or civil proceedings.

Q: What kind of sanction will the student receive, if found responsible/guilty?

A: It depends on the individual circumstances. Sanctions range from a verbal warning through expulsion. Generally the following factors are considered when sanctions are given: nature of the offense, the student's role in the incident, the effect of the incident on others and on the student, previous disciplinary history, motivation for the behavior, mitigating and aggravating circumstances, sanctioning precedents, and the developmental and educational impact for the individual student and community.

Q: Can a student withdraw from the University to avoid a Judicial Hearing?

A: A student can withdraw from the University at anytime, however this is not a good idea. If a student chooses to withdraw before dealing with the disciplinary process, a judicial/registration hold will be placed on that student's record and their transcript will be held.

Q: What is the parent's role in the judicial process? How can I help?

A: You can help by being supportive while holding your son/daughter accountable to your expectations and the University's. You can also help by supporting necessary interventions, such as alcohol or drug education/counseling, anger management, counseling, and other forms of education or counseling, so that your student can be successful. Allow and expect your son/daughter to set appointments, attend meetings, and fulfill sanctions. It is usually not helpful to the educational development of your son/daughter if you take over the process.

Q: My son/daughter was placed on disciplinary probation? What does that mean?

A: Probation is notice to your son/daughter, who has violated the Student Code of Conduct; should they violate the Code during the probationary period, their sanction will be progressively more serious, including the possibility of the loss of housing, or suspension, or expulsion from the University.

Q: The incident happened off campus; why is the University involved?

A: The University has an interest in maintaining a safe community and appropriate standards of conduct for its students. Your son or daughter is a student regardless of whether the alleged misconduct took place on the campus, across the street from campus, or across town. UMES is particularly concerned about student-to-student violence, high-risk drinking and drug use, due to the threat these behaviors pose to student health, safety, and academic success. This includes both on-campus and off-campus behavior, which can have an adverse impact on the University community and its mission.

Q: I know my son/daughter could not have done this; I didn't raise them that way. So why is my son/daughter being charged?

A: Developmentally this is a period of exploration and testing for students. They may be in a period of transition from late adolescence to adulthood facing many new challenges. They may also be away from home for the first time and dealing with issues of independence in the more unstructured environment of a University. In addition students are adjusting to the expectations and values of the University, just as they did at home. As students are testing these expectations and values, they may make choices that are inconsistent with your teachings. This testing is a normal part of the developmental process. However, students must also learn that the choices they make may not be healthy and have consequences.

Q: If a student is suspended or expelled from the University, do they receive any of their tuition back?

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

Q: In regards to drugs, what happens to those students who are just "in the wrong place at the wrong time"?

A: Under a legal theory known as "constructive possession," being in close proximity to drugs can be enough, under certain circumstances, to justify an arrest and result in a conviction for everyone who was close enough to the drugs for police and a jury to conclude that the drugs could have belonged to them. Constructive possession cases often arise as a result of traffic stops, during which drugs are located in a center console or other central location that could conceivably be reached by more than one person in the car. Arrests based on constructive possession are also made when drugs are found in a residence or in a room within a residence, and more than one person is present who could arguably be the owner of the drugs.