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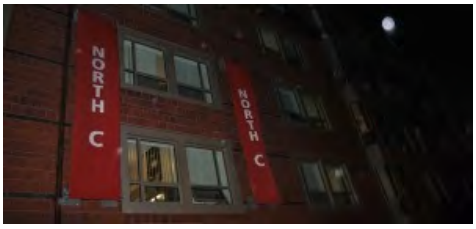
Student conduct code review to consider minimum penalties for serious offenses, victim appeal process

By: **Matt Rocheleau** | April 26, 2010 |

A special commission, created in response to the **University's admission** that it did not properly sanction a student who allegedly confessed to an on-campus rape, will consider establishing minimum sanctions for serious offenses to the student conduct code and allowing for victims of a misconduct to appeal sanctions.



On Oct. 16, a male student allegedly raped an '09 female alum in the North Apartments Building C, according to the NECIR investigative piece reported in collaboration with other media outlets. (Nick Bush/Collegian)

A 17-member committee co-chaired by Associate Chancellor Susan Pearson and Associate Vice Chancellor Center for Student Development Byron Bullock will review the entire Code of Student Conduct (CSC) for the first time since the mid-1990s and submit its recommendations to Vice Chancellor for Student Affairs and Campus Life Jean Kim by mid-November, according to information provided by University of Massachusetts spokesman Edward Blaguszewski.

Any recommended changes to the student conduct code would ultimately have to gain the Board of Trustees' approval before their implementation.

The committee comprised of seven students, six administrators and four professors formed on April 8 with the official title of "Special Commission on Code of Student Conduct and Disciplinary Process."

It will "consider a single code that governs the behavior of all students, undergraduate and graduate students regardless of residency … [and] review University Housing & Dining Regulations."

The commission will review all sections of the "general procedures regarding disciplinary action" and will consider establishing minimum sanctions for the most serious "level 3" offenses, which include sexual assault, possessing weapons and distributing illicit substances. Members will also "consider including appeal rights and process for victims/survivors of a misconduct," review regulations the code's records and confidentiality section and review the roles and responsibility of student and professional residence life staff.

Committee members must "ensure maximum input and participation by students and staff groups (e.g., RAs, RDs, etc.) and relevant committees and departments (e.g., Student Affairs Judicial Issues Committee, SAJIC; Everywoman's Center, etc.) in developing recommendations."

The members are: undergraduate students Kelleyanne Curley, Modesto Montero, Melissa Urban and Josh Davidson, student and SGA President Elect Brandon Tower, student and GSS President Tiffany Yee, student and SGA Trustee Michael G. Fox, Assistant Professor of Educational Policy Research and Administration Benita Barnes, Assistant Professor of Microbiology Welmore Webley, Assistant Professor of Communication Disorders Nate Whitmal, Legal Studies Lecturer Jerrold Levinsky, Director of Adminisstrative Services in the Graduate School Office Susan Chinman, Director of Student Legal Service Office Chuck DiMare, Dean of the College of Social and Behavioral Sciences Bob Feldman, Associate Director for Residential Life Laura Giles, Director for Health and Wellness/BASICS Sally Linowski, and Ombuds Catherine Porter.

A male University of Massachusetts student confessed to raping a female friend and 2009 alum in the fall and was mistakenly given a deferred suspension, according to an investigative report published in late

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February. University officials allowed the alleged offender to stay on campus, a move that now has administrators reexamining UMass' sanctioning policies and procedures.

At an emotional, one-hour discussion in early March, campus administrators were challenged with questions on how and why a student who reportedly confessed to raping a UMass alum last fall received "too light" of a punishment. (Hannah McGoldrick/Collegian)

The University has since said the accused **student is no longer living on campus**, but is still enrolled in classes. However, UMass declined to disclose when the student moved off campus, and if he did so on his own or if it was the University's decision, but has said the move is permanent.

The incident occurred in the early morning of October 16, the Friday during homecoming weekend, in North Apartments Building C, according to the New England Center for Investigative Reporting's (NECIR) story published in The Boston Globe.

The victim reported the incident to the Dean of Students' office the following month, said NECIR's report; however, then Assistant Dean of Students Christina Willenbrock gave the accused student a deferred suspension – a decision UMass officials have since said was too lenient, and have called the situation regrettable.

Willenbrock, according to prior reports, did not properly report her decision to her superior, Dean Jo-Anne T. Vanin, for approval, and gave the deferred suspension sanction – which notifies students that a subsequent violation of the University's conduct code will result in suspension.

She no longer works in the Dean of Students' office and instead is working for the school's housing office. Campus officials continue to refuse to confirm reports that Willenbrock handled the case and also declined to disclose whether or not her relocation was the result of the alleged mishandling.

In early March, she reluctantly **declined to comment** on her reported handling of the case to Collegian reporters who visited her South Hadley home.

"The University won't let me speak about it," said Willenbrock at the time. "I would love to tell you all my opinions and thoughts on the matter, but I really can't."

UMass officials have thus far declined to comment on her statement, and Willenbrock has not been able to be reached since Collegian reporters spoke to her in early March.

Campus officials said the University cannot change or add to the sanctions already handed down through the student judicial system because there is no appeal process allowed to any person other than the accused – a process the commission will consider changing.

Kim said previously there was no one individual to blame for the mishandling. She said the blame instead goes to the set up of the administrative process, which University officials have since moved to correct by instituting a formal, written policy that mandates serious cases be reviewed by the Dean of Students before they are finalized.

*For continued coverage on this story, visit DailyCollegian.com's special page, "**Breaking the Silence**."*

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