

Rutgers University: Code of Student Conduct Upgrades Cover Memo

Rutgers University

To: University Senate
From: Committee on Student Conduct
CC: Vice Chancellors of Student Affairs (*Rutgers Camden, Newark & New Brunswick*)
Date: January 9, 2019
Re: Rutgers University: Code of Student Conduct December 2018 Update Cover Memo

Purpose:

The University Code of Student Conduct (Code) is the campus policy that governs Rutgers University (Camden, Newark and New Brunswick) undergraduate and graduate student behavior on and off campus. Major revisions to the Code went into effect on August 1, 2018.

Since the new Code has been enacted, Conduct Officers have discovered minor errors, opportunities for improvement, and potentially confusing wording/policy explanations. These minor adjustments currently proposed are meant to address these issues.

Consultation & Outreach Methods:

The Committee on Student Conduct is a standing system-wide committee responsible for advising the Senior Student Affairs Officers of Rutgers University (*Camden, Newark & New Brunswick campuses*) on issues pertaining to student conduct. The duties of the Committee on Student Conduct include reviewing this Code and suggesting appropriate amendments or modifications.

The Committee met three times in December 2018 to discuss potential updates to the new Code and corrected typographical and grammatical errors.

Policy Update Proposals & Rationales:

- Correction of minor grammatical and typographical errors throughout the document.
- Addition of hyperlinks to other University policies referenced throughout the document.
- **Part III. Definitions:** Addition of “preponderance of information/evidence” to definitions – The current Code does not specify the standard of proof to be used in adjudicating cases of student misconduct.
- **Part V. Violations:** Renamed “Part V. Criminal and Civil Proceedings and the University Code of Student Conduct” – This language was changed to more accurately reflect the content of this portion of the Code.

- **Part VII. Rules and Regulations:** Addition of the violation “Aiding, enabling, or assisting any person in committing any violation of this Code” – This violation was added to address incidents in which students did not violate the Code themselves, but facilitated violations by others.
- **Part VII. Rules and Regulations:** Clarification of the medical amnesty policy – The circumstances in which medical amnesty will be granted were clarified. A potential penalty for failure to complete educational programs was added.
- **Part IX. Disciplinary Sanctions:** Clarification of Probation definition – Probation was divided into two types: *term without conditions* and *term with conditions*. Previous definitions of Probation were ambiguous about the restrictions placed on co-curricular activities while a student was on probation.
- **Part IX. Disciplinary Sanctions:** Clarification of “other sanctions” – The previous definition of “other sanctions” was unnecessarily complicated and did not include non-University sanctions.
- **Part X. Disciplinary Process:** Removal of alternative resolution practice options, Administrative Conference procedures, and University Hearing procedures – these lengthy sections made the description of the disciplinary process unnecessarily complicated. This information was replaced by text referring the reader to the Student Conduct website, where the excised information will be posted.
- **Part XI. Appeals:** Removal of the appeal to the Senior Student Affairs Officer in cases involving suspension or loss of University housing – Given the high volume of cases processed by the Office of Student Conduct, allowing an appeal to the SSAO in each case of suspension or housing loss has become unwieldy. The appeal to the SSAO remains in cases involving expulsion.

Conclusion:

The current Code of Student Conduct addresses the needs of our rapidly changing campus and the rapidly changing conduct climate. The December 2018 proposed adjustments to the Code of Student Conduct continue to help make the policy an efficient, student-friendly, comprehensible governing document that meets the needs of students and conduct administrators alike.

If you have any comments you would like to bring to the Committee on Student Conduct, please send them to Kevin Pitt, Director, Office of Student Conduct, Rutgers University-New Brunswick. Kevin’s email is kpitts@echo.rutgers.edu.

Code Revision

1

UNIVERSITY POLICY

2 **Policy Name:** University Code of Student Conduct

3 **Responsible Office:** Office of Student Affairs, New Brunswick

4 **Contact:** Office of Student Conduct: 848-932-9414, <http://studentconduct.rutgers.edu>, Office of Student
5 Affairs Compliance: 848-932-8576, <http://compliance.rutgers.edu>

6 1. Policy Statement

7 The University Code of Student Conduct sets specific expectations for Rutgers University student
8 behavior. It lists the behaviors prohibited at Rutgers University, the process for addressing allegations of
9 student misconduct, and the possible consequences for students who violate the policy.

10 2. Reason for Policy

11 When students choose to attend Rutgers University, they understand that they must abide by all
12 behavioral guidelines set by the Rutgers Community. The University Code of Student Conduct outlines
13 behavioral expectations for Rutgers University students and provides information to all community
14 members about what types of behaviors are not tolerated at Rutgers University.

15 3. Who Should Read This Policy

16 All members of the Rutgers University Community

17 4. Resources

18 • University Policy 10.2.13: Rutgers University Academic Integrity Policy

19 — Academic Integrity at Rutgers University: <http://academicintegrity.rutgers.edu/>

20 ~~o <http://academicintegrity.rutgers.edu/>~~

21 o

22 ~~[https://slwordpress.rutgers.edu/academicintegrity/wpcontent/uploads/sites/41/2014/11/AI-Policy-20](https://slwordpress.rutgers.edu/academicintegrity/wpcontent/uploads/sites/41/2014/11/AI-Policy-2013.pdf)~~
23 ~~[13.pdf](https://slwordpress.rutgers.edu/academicintegrity/wpcontent/uploads/sites/41/2014/11/AI-Policy-2013.pdf)~~

24 • University Policy 10.3.11: Communication to Students

25 • University Policy 10.3.12: Student Policy Prohibiting Sexual Harassment, Sexual Violence, Relationship
26 Violence, Stalking, and Related Misconduct

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- 1 • University Policy 30.1.9: Protection of Minors
- 2 • University Policy 50.3.5: Disruptions: Administrative Policy and Response
- 3 • Organizational Conduct Policy Standards of Conduct for Student Organizations (see
- 4 <http://studentconduct.rutgers.edu/>)
- 5 • Residence Life Policies:
- 6 o New Brunswick: <http://ruoncampus.rutgers.edu/policies/>
- 7 o Newark: <http://housing.newark.rutgers.edu/guide-residence-life>
- 8 o Camden: https://housing.camden.rutgers.edu/oc_living_guide
- 9 • Ticket policy: <http://ruoncampus.rutgers.edu/tickets/>
- 10 • [https://www.stophazing.org/new-jersey/Stop Hazing: Prevention Through Education:](https://www.stophazing.org/new-jersey/Stop-Hazing-Prevention-Through-Education)
- 11 <https://www.stophazing.org/new-jersey/>
- 12 • Family Educational Rights and Privacy Act of 1974
- 13 **5. Definitions**
- 14 See Section III.
- 15 **6. The Policy**
- 16 **I. TABLE OF CONTENTS**
- 17 I. Table of Contents
- 18 II. Preamble
- 19 III. Definitions IV. Jurisdiction and Authority
- 20 V. ~~Violations~~ Criminal and Civil Proceedings and the University Code of Student Conduct
- 21 VI. Rights of the Complaint Party and Accused ~~Party~~ Student
- 22 VII. Rules and Regulations
- 23 VIII. Interim Action
- 24 IX. Disciplinary Sanctions

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1 X. Disciplinary Process

2 XI. Appeals

3 XII. Disciplinary Files XIII. Clemency for Expulsion

4 XIV. Student Conduct Process Volunteers

5 XV. Revisions to the Code of Student Conduct

6 **II. PREAMBLE**

7 The University Code of Student Conduct was created to ensure the safety and security of the Rutgers
8 community. This document is intended to ensure students and organizations are aware of their rights
9 and responsibilities within the conduct process, and to uphold the integrity and values of Rutgers, The
10 State University of New Jersey. When students choose to enroll at Rutgers University, they are
11 encouraged to respect its values.

12 The Code of Student Conduct is more than a collection of university regulations to be abided by – it
13 seeks to promote the university’s values and educate. The Code of Student Conduct encourages
14 students to be their authentic selves as they find their place on campus, while also encouraging students
15 to embrace inclusion through discovery, dialogue, and development as they celebrate diverse
16 backgrounds.

17 The spirit of the Code of Student Conduct promotes student engagement both on and off campus,
18 global citizenship, and leadership. It encourages students to uphold the highest tenets of trust, honesty,
19 and integrity, understanding at all times that our actions significantly impact our personal journeys, our
20 communities, and our larger society.

21 Rutgers Camden, Newark and New Brunswick students originate from all corners of the world and travel
22 between many campuses and cities. As our students strive to achieve their goals, they are expected to
23 conduct themselves in accordance with University policies and procedures, but more importantly, the
24 values and spirit that they are founded upon.

25 **III. DEFINITIONS**

26 Please note that definitions in this section relate to policies and procedures that are consistent system-
27 wide (Rutgers University–Camden, Rutgers University–Newark, and Rutgers University–New Brunswick).
28 Definitions are also provided in procedures documents.

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- 1 A. "Accused student" or "~~responding party~~student" is any current student who has had disciplinary
2 charges filed against them.
- 3 B. "Administration or staff" includes any person who currently holds a non-faculty appointment within
4 the University.
- 5 C. "Campus Advisor" is a member of the University community who has been trained to provide support
6 and guidance to accused students and ~~complainant~~complaint parties.
- 7 D. "Charge" is a determination that the University has reasonable suspicion that a student or student
8 organization may have violated University policy.
- 9 E. "Chief Conduct Officer" is the person (or people) ~~that enforce~~on each campus who enforces the
10 University Code of Student Conduct, oversees the processes for handling misconduct, and may develop
11 procedures for administration of the conduct process.
- 12 F. "College" or "School" means any academic division at Rutgers University.
- 13 G. ~~"Complaint initiator" or "Complaint party"~~ refers to anyone who has filed a report with the Office of
14 Student Conduct/Community Standards alleging misconduct by a Rutgers University student.
- 15 H. "Conduct Officer" refers to ~~an individual appointed by the Chief Conduct Officer to carry out the~~
16 disciplinary process, any University staff member or administrator with responsibility for investigating
17 and adjudicating student conduct cases.
- 18 I. "Faculty" includes any person who holds a current academic appointment within the University.
- 19 J. "Institution" and "University" mean Rutgers, The State University of New Jersey.
- 20 K. "Impact statement" is a description of the effect of a policy violation on an affected party, ~~it~~ may be
21 submitted in writing or, via audio, or video recording.
- 22 L. "Member of the University community" means any student, faculty, administrator or employee at the
23 University.
- 24 M. "Office of Student Conduct" or "Office of Community Standards" refer to the offices that handle the
25 conduct process at Rutgers University–Camden, Rutgers University–Newark, and Rutgers University–
26 New Brunswick.

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1 N. "Preponderance of Information/Evidence" refers to the standard of proof required in adjudicating
2 non-academic cases. This standard requires that the finder of fact must be persuaded that it is more
3 likely than not that the allegations brought against the accused student are true. Refer to the Academic
4 Integrity Policy for information about the standard of proof used in academic integrity cases.

5 NO. "Senior Student Affairs Officer" refers to the officer in the Division of Student Affairs, (or their
6 designee(s), who oversees the Office of Student Conduct/Community Standards on each campus,

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7 OP. "Student" is any person for whom the University maintains educational records, and who has not
8 yet been awarded a degree from the University at the time of the alleged violation as defined by the
9 Family Educational Rights and Privacy Act of 1974 and related regulations. The term student may also
10 include any person who is a non-matriculating student at the time of the alleged violation.

11 PQ. "Student organization" is any identified group of students who have complied with the formal
12 requirements for University recognition and affiliation, or ~~and~~ have registered for affiliation with the
13 University, or who are advised by a University department or University employee.

14 QR. "Support person" is the person or persons asked by the accused student or complaint party to
15 provide support and assistance during the disciplinary process. A support person cannot represent the
16 student during any proceeding and cannot address a Hearing Board, Presiding Officer, or Conduct
17 Officer unless ~~specific procedures provide that person the opportunity to speak~~ granted permission by
18 the Presiding Officer or Conduct Officer.

19 RS. "University premises" includes buildings or grounds owned, leased, operated, controlled, or
20 supervised by the University.

21 SI. "University sponsored activity" means any academic, co-curricular, extra-curricular, or other activity
22 on or off campus, which is initiated, aided, authorized, or supervised by the University.

23 TU. "Working day" includes any weekday that is not listed as a University holiday on the University
24 Calendar. Days when classes are not in session, but the University is open for business, are "working
25 days."

26 UV. "Written Notice" is delivery of mail to a student's local, permanent, or email address. Students are
27 responsible for checking any/all email addresses connected to their NetID. Students have the
28 responsibility for providing the University with current addresses, e-mail addresses, and phone
29 numbers.

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1 **IV. JURISDICTION AND AUTHORITY**

2 **A. The University Code of Student Conduct**

3 This policy applies to conduct that occurs on University premises; at University sponsored activities; at
4 functions, activities, or events hosted by ~~recognized~~ students or recognized student organizations, on or
5 off campus; and other off-campus conduct that affects a University interest (as defined below). Each
6 student is responsible for their conduct from the time of application through the actual awarding of a
7 degree or certificate, even if that conduct occurs before classes begin or after a semester is complete.

8 Rutgers Biomedical and Health Sciences ("RBHS") student behavior is not regulated under the University
9 Code of Student Conduct. RBHS guidelines regarding academic integrity, nonacademic misconduct, and
10 disciplinary procedures are found in the RBHS Students Rights, Responsibilities, and Disciplinary
11 Procedures document. Please consult the RBHS website: {<http://rbhs.rutgers.edu>} or the Rutgers
12 University Policy Library for specific ~~procedures information~~ regarding RBHS school procedures.

13 **B. The Rutgers University Academic Integrity Policy (10.2.13)**

14 This policy is used to address allegations of student academic misconduct. Please refer to University
15 Policy 10.2.13: Rutgers University Academic Integrity Policy for specific information regarding what
16 would constitute a violation of this policy.

17 **C. The Student Policy Prohibiting Sexual Harassment, Sexual Violence, Relationship Violence, Stalking**
18 **and Related Misconduct**

19 This policy is used to address allegations of sexual harassment, sexual assault, relationship violence,
20 stalking, and other gender-based discrimination in which a Rutgers student is the perpetrator.

21 Descriptions of violations and procedures for addressing violations are described in University Policy
22 10.3.12: Student Policy Prohibiting Sexual Harassment, Sexual Violence, Relationship Violence, Stalking
23 and Related Misconduct.

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24 **D. Professional/Academic Programs**

25 Individual academic programs may have additional ethical rules, professional requirements and
26 professional standards of conduct. Academic programs are empowered to address deviations from
27 acceptable professional standards of conduct. Any procedures a program puts in place to address

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1 deviations from their professional standards must include, at a minimum, notice to the student of the
2 issue and some opportunity for the student to respond to the information before a decision is made.

3 E. Student Organizations

4 Student organizations are collectively responsible for any action that violates University policy
5 committed by members on behalf of the organization. Disciplinary action against student organizations
6 is separate from action taken against individuals. Student organizations will be asked to account for
7 behavior committed by organization members on behalf of the organization.

8 F. Criminal and Civil Court Cases

9 Formal rules of process, procedure, and/or evidence that are applied in criminal and civil courts are not
10 used in campus disciplinary proceedings. Participants are provided process and procedure as outlined in
11 this Code.

12 G. Residence Life

13 Incidents that occur in or around the residence halls will typically be managed by Residence Life staff.

14 H. Electronic Content

15 The Code may also be applied to conduct online and via email or via other electronic media. Students
16 and student organizations should be aware that online ~~postings~~ media such as blogs, ~~web~~
17 ~~postings~~ websites, chats, and social networking sites are in the public sphere and are not private. Online
18 ~~postings~~ media that indicate possible misconduct may subject a student and/or student organization to
19 ~~allegations of conduct violations~~ disciplinary action.

20 I. University Interest

21 Student or student organization conduct committed on or off the campus that affects a University
22 interest is behavior that:

- 23 1. Constitutes a violation of local, state, or federal law;
- 24 2. Indicates that the student or student organization may present a danger or threat to the
25 health or safety of themselves or others;
- 26 3. Impinges upon the rights, property or achievements of others or significantly breaches the
27 peace and/or causes social disorder; or

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1 4. Is detrimental to the educational interests of the University.
2 Any on or off campus behavior that adversely affects a University interest and/or violates the Code of
3 Student Conduct is subject to conduct action following standard University procedures.

4 J. Interim Action

5 The University may take interim disciplinary action as outlined in Section VIII.

6 **V. VIOLATIONS CRIMINAL AND CIVIL PROCEEDINGS AND THE UNIVERSITY CODE OF STUDENT**
7 **CONDUCT**

8 Students may be held accountable for their behavior through both the criminal system and the
9 University conduct process. University conduct proceedings may be carried out prior to, simultaneously
10 with, or following civil or criminal proceedings at the discretion of the Chief Conduct Officer, ~~or~~ their
11 designee(s); on each campus. Disciplinary action, decisions, and/or sanctions shall not be subject to
12 change because criminal charges were dismissed, reduced, or resolved in favor of the student.
13 University community members are not precluded from filing a civil or criminal charge against a student
14 before, while, or after the University pursues disciplinary action.

15 **VI. RIGHTS OF THE COMPLAINT PARTY AND THE ACCUSED PARTY STUDENT**

16 The University is committed to providing accessible, prompt, thorough, and fair methods of
17 investigation and resolution of incidents reported under this Code to all University-members of the
18 Rutgers community. To this end, both the complaint party and responding student are entitled to the
19 following rights throughout the disciplinary processes set forth in this Code, subject to the terms of this
20 Code.

21 A. To be treated with dignity by all persons involved in the disciplinary process.

22 B. To equal access to information, evidence, and University resources, including information pertaining
23 to counseling services.

24 C. To a fair hearing ~~disciplinary process~~.

25 D. To information about this Code.

26 E. To participate or to decline to participate in the disciplinary process.

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- 1 F. To have a Campus Advisor and/support person present at all meetings and hearings disciplinary
2 proceedings. Campus Advisor/Ssupport person availability is not sufficient grounds for postponing a
3 meeting, Administrative Conference, or University Hearing or disciplinary proceeding.
- 4 ~~G. To have a Campus Advisor present at all meetings and hearings. Advisor availability is not sufficient~~
5 ~~grounds for postponing a meeting, Administrative Conference, or University Hearing.~~
- 6 ~~HG. To written notice of all meetings and hearings disciplinary proceedings, including the time and place.~~
- 7 ~~HH. To present information and/or witnesses on their behalf during the disciplinary process. The~~
8 ~~relevance of witnesses shall be determined by the Conduct Officer or by the Presiding Officer during the~~
9 ~~disciplinary process.~~
- 10 JJ. To choose to withhold information or testimony if the student feels information presented will lead to
11 self-incrimination. Students are expected to fully cooperate with and participate in the University
12 disciplinary system when notified, but no negative inference will be made should a student choose not
13 to speak.
- 14 KJ. To hear and respond to all information presented against them.
- 15 LK. To one written copy, upon request, of the report stating the circumstances and allegations involved.
16 This information will be made available after a student is notified of charges.
- 17 ML. To notice of the charges, including what prohibited conduct is at issue.
- 18 NM. To submit written materials relevant to the sanction decision, which may include written impact
19 statements.
- 20 ~~ON. To be free from have complaints of intimidation, harassment, bullying, or any other form of~~
21 ~~retaliation addressed by the Office of Student Conduct/Community Standards, throughout the~~
22 ~~investigation and disciplinary process.~~
- 23 ~~PO. To written notification of the results of the hearing or other case resolution, including any sanctions~~
24 ~~imposed.~~
- 25 ~~QP. To be informed of their right to appeal and of the process for doing so (applies only to accused~~
26 ~~students).~~
- 27 RQ. To written notification of the outcome of any appeal.

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1 ~~SR~~. To privacy throughout the investigation and disciplinary process. The Office of Student
2 Conduct/Community Standards office will not release information about a case unless legally bound.

3 ~~FS~~. To understand that information collected in the process may be subpoenaed in criminal or civil
4 proceedings.

5 ~~UT~~. To have reasonable steps taken to prevent any unnecessary or unwanted contact with the other
6 party or parties during the investigation and disciplinary process.

7 VII. RULES AND REGULATIONS

8 Any student found responsible for committing, attempting to commit, or assisting others in committing
9 a violation of this Code shall be subject to disciplinary sanctions as outlined in Section IX.

10 Violations of this Code include, but are not limited to; including but not limited to:

11 A. Aiding, enabling, or assisting any person in committing any violation of this Code.

12 A. Violations of academic integrity:

13 B. Violations of the Rutgers University Academic Integrity Policy.

14 Please refer to University Policy 10.2.13: Rutgers University Academic Integrity Policy for specific
15 information regarding what would constitute a violation of this policy.

16 ~~E. Sexual Harassment, Sexual Violence, Relationship Violence, Stalking and Related Misconduct C.~~

17 Violations of the University Policy 10.3.12: Student Policy Prohibiting Sexual Harassment, Sexual
18 Violence, Stalking, and Related Misconduct.

19 Please refer to University Policy 10.3.12: Student Policy Prohibiting Sexual Harassment, Sexual Violence,
20 Stalking, and Related Misconduct the policy for specific information regarding what would constitute a
21 violation of this policy.

22

23 BD. Acts of dishonesty:

24 1. ~~Forging~~ Forgery, unauthorized alteration, or unauthorized use of any University documents or records,
25 or any instrument or form of identification, or access credentials. This includes, but is not limited to;

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- 1 transfer of a Rutgers University Identification Card ("RUID"); and misuse or transfer of a residence hall
- 2 key or access card.
- 3 2. Intentionally furnishing false information to the University.
- 4 3. Intentionally furnishing false information to persons outside the University concerning the student's
- 5 academic record, degree, or activities.
- 6 4. Intentionally initiating or causing to be initiated any false report, warning, or threat of fire, explosion,
- 7 or other emergency.
- 8 5. Unauthorized entry into, use of, or misuse of University property, including computers and data and
- 9 voice communication networks.
- 10 6. Possessing or selling false identification, including RUIDs.
- 11 7. Unauthorized sale or re-sale of University event tickets or tickets provided through sponsored
- 12 events/programs funded by University student fees, or the sale of such tickets above face value.
- 13 EE. Safety violations:
- 14 1. Intentionally or recklessly starting a fire (does not include University approved programs including
- 15 fire, e.g., bonfires.)
- 16 2. Misusing fire safety equipment or elevators.
- 17 3. Intentionally or recklessly endangering the welfare of any individual.
- 18 4. Intentionally or recklessly obstructing fire, police, or emergency services.
- 19 5. Using, possessing, or storing dangerous chemicals, fireworks, or explosives on University property
- 20 (even if they are legal to possess because of a license) or illegally possessing dangerous chemicals,
- 21 fireworks or explosives on an off-campus property. Possessing and storing small containers of ~~Mace~~
- 22 pepper spray is permitted.
- 23 6. Using, possessing, or storing of any object classified as a weapon by the State of New Jersey on
- 24 University property or illegally possessing a ~~weapons~~ on an off-campus property. Law enforcement
- 25 officials who are authorized by law to carry firearms are excluded from this definition.
- 26 7. Utilizing any instrument in a manner that endangers or tends to endanger any person.

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1 8. Obstructing the free flow of pedestrian or vehicular traffic on or adjacent to University premises or at
2 University events.

3 9. Failing to comply with the reasonable and lawful directions of University officials and/or University
4 police, including, but not limited to, ~~failure instructions~~ to produce identification.

5 ~~D~~F. Physical misconduct:

6 1. Inflicting bodily harm upon any person or animal.

7 2. Using or threatening to use force against a person or animal.

8 ~~E. Sexual Harassment, Sexual Violence, Relationship Violence, Stalking and Related Misconduct~~
9 ~~Violations of University Policy 10.3.12: Student Policy Prohibiting Sexual Harassment, Sexual Violence,~~
10 ~~Stalking, and Related Misconduct. Please refer to the policy for specific information regarding what~~
11 ~~would constitute a violation of this policy.~~

12 ~~F~~G. Bullying, intimidation, and harassment:

13 1. Making any communication to another person in any manner likely to cause alarm, including through
14 electronic or social media platforms.

15 2. Subjecting or ~~threatening to subject~~ another person or animal or ~~threatening to subject another~~
16 ~~person or animal to~~ striking, kicking, shoving, or offensive touching.

17 3. Threatening to reveal or releasing personal information or media about a person electronically or
18 through other means of communication.

19 4. Engaging in any other course of alarming conduct or repeatedly committing acts with the purpose of
20 seriously alarming another person.

21 ~~In order to constitute bullying, intimidation, and/or harassment, a~~ person's behavior ~~should~~must be
22 sufficiently severe, pervasive, or persistent as to substantially disrupt or interfere with the orderly
23 operation of the institution or the rights of a student to participate in or benefit from the educational
24 program.

25

26 ~~G~~H. Child abuse

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1 Neglecting, or inflicting any form of physical, emotional, or psychological harm or harassment upon, any
2 minor identified as a permanent or temporary dependent or, co-dependent of the accused, or as under
3 the responsibility of the accused.

4 H. Defamation

5 Creating a false statement about a University community member and communicating that false
6 statement to a third party, which then exposes that community member to hatred, contempt, ridicule,
7 loss of good will, or loss of reputation as a result of the false statement.

8 I. Hazing

9 1. Engaging in any act that impacts the mental, emotional, or physical health or safety of a student for
10 the purpose of initiation into, admission into, affiliation with, or continued membership in any
11 organization or team whose members are Rutgers University students.

12 2. Engaging in any activity that is inconsistent with regulations or policies of Rutgers University or laws in
13 the State of New Jersey for the purpose of initiation into, admission into, affiliation with, or continued
14 membership in any organization or team whose members are Rutgers University students. Behavior
15 falling into these categories shall be considered hazing regardless of whether a person is a willing
16 participant.

17 J. Invasion of privacy

18 1. Making, attempting to make, live streaming, transmitting, or attempting to transmit audio, video, or
19 images of any person(s) on or off University premises in bathrooms, showers, bedrooms, common areas
20 of suites or apartments, medical examination rooms, training rooms, or other premises where there is
21 an explicit expectation of privacy with respect to nudity and/or sexual activity, without the knowledge
22 and consent of all participants subject to such recordings and/or transmissions.

23 2. Viewing any person(s) on or off University premises in bathrooms, showers, bedrooms, common
24 areas of suites or apartments, medical examination rooms, training rooms, or other premises where
25 there is an explicit expectation of privacy with respect to nudity and/or sexual activity, without the
26 knowledge and consent of all participants.

27

28 K. Theft or damage to property:

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- 1 1. Taking or attempting to take University, public, property or private property without the consent of
- 2 the owner or person legally responsible for that property.
- 3 2. Obtaining University services through devious means.
- 4 3. Knowingly possessing University, public, or private property without the consent of the owner or
- 5 person legally responsible for that property.
- 6 4. Intentionally or recklessly damaging University, public, or private property.
- 7 I.M. Use or possession of alcohol, narcotics, or other drugs:
- 8 1. Possessing or consuming alcohol under the legal drinking age in New Jersey.
- 9 2. Possessing alcohol in areas of campus where alcohol is not permitted.
- 10 3. Unlawfully possessing or using drugs, narcotics, controlled substances, or paraphernalia.**
- 11 4. Misusing or misappropriating any prescription, over-the-counter medication, or legal substance.**
- 12 5. Possessing or using medical marijuana on any Rutgers University property.
- 13 6. ~~Impaired driving~~-Driving under the influence of alcohol and/or other drugs is prohibited.

14 **The University strongly encourages students to call a University Official and/or Medical
15 medical Professional for medical assistance for themselves or for community members who
16 are dangerously under the influence of alcohol or other drugs or alcohol. Normally, students ~~No student~~
17 seeking medical treatment for the effects of drug or alcohol use will not be subject to University
18 discipline for violations pertaining to drug or alcohol possession/use as outlined in this Code of Conduct.

19 Medical Amnesty will be granted to both the intoxicated student and to the student seeking medical
20 assistance for the intoxicated student under the following conditions; however,

- 21 1. Both the intoxicated student and the reporting student will be required to meet with their
22 respective campus' Office of Student Conduct/Community Standards Office to provide a
23 detailed account of the events leading to the need for assistance, in order to receive amnesty.
- 24 2. Additionally, involved students may be required to participate in an educational program
25 related to drugs or alcohol. Medical Amnesty does not apply to disciplinary action relating to any
26 other code violation including, but not limited to, assault, property damage, ~~or the presence of~~

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1 or prohibited distribution of other substances. Medical Amnesty does not apply to student
2 organizations.

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3 3. Failure to participate in a required educational program may result in charges under this Code.

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4 Normally, the person who called for assistance will be expected remain at the scene with the
5 intoxicated student until assistance arrives and to cooperate with medical and law enforcement
6 personnel on the scene.

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8 MN. Distribution of alcohol, narcotics, or other drugs

9 1. Selling, transferring, giving away, or exchanging something in return for narcotics, prescription
10 medications, or other illegal substances.

11 2. Providing or facilitating the consumption of alcohol by any person without taking reasonable and
12 prudent precautions to insure that the person is of legal drinking age in New Jersey.

13 3. Sharing medical marijuana with any individuals who does not have a medical marijuana prescription.

14 NO. Disruption

15 1. Intentionally or recklessly interfering with any University activity or University sponsored activity.

16 2. Disrupting or obstructing an academic class or lecture, an administrative or support function, or
17 official University business.

18 3. Engaging in classroom conduct that is prohibited by the faculty member or is in violation of the law or
19 University policy. It should be noted that this policy is not intended to punish students for classroom
20 dissent or hinder organized, peaceful, and orderly protests that are undertaken within reasonable time,
21 place, and manner restrictions placed upon the same by the University.

22 OP. Disorderly conduct

23 Engaging in conduct that is disruptive, lewd, or indecent, regardless of intent, which breaches the peace
24 of the community.

25 PQ. Undisclosed recording

26 Recording, live streaming, or transmitting images, audio, or video of private, non-public conversations
27 and/or meetings on University premises without the knowledge and consent of all participants. This may

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1 include recording instructors without consent. Students must consult with instructors for guidance on
2 their recording policies. This provision does not extend to the recording of public events or discussions,
3 to recordings made for law enforcement purposes, or to any registered disability accommodation.

4 ~~QR. Violations of other published University regulations or policies~~

5 ~~Violating other published University regulations or policies.~~

6 ~~RS. Engaging in behavior that violates a University interest (as defined under jurisdiction in Part IV,~~
7 ~~"Jurisdiction and Authority," Section I).~~

8 ~~ST. Abuse of the disciplinary system~~

9 1. Knowingly providing false testimony or evidence at a ~~University Hearing or Disciplinary~~
10 ~~Conference disciplinary proceeding.~~

11 2. Disrupting or interfering with the conduct process.

12 3. Failing to complete imposed sanctions.

13 4. Refusing to provide information at a disciplinary proceeding. Students are expected to fully cooperate
14 with and participate in the University disciplinary system when notified. A student may choose to
15 withhold information or testimony if the student feels information presented will lead to self-
16 incrimination.

17 5. Harassing a ~~University Hearing Board member, Campus Appeals Committee member, Conduct Officer,~~
18 ~~Presiding Officer, Campus Advisor, or witness before or after intimidating any participant in the a~~
19 ~~disciplinary proceeding process.~~

20 **VIII. INTERIM ACTION**

21 **A. Interim Suspension**

22 1. In certain circumstances, the ~~Senior Student Affairs Officer or their designee(s)~~Senior Student Affairs
23 Officer (or their designee) may impose an Interim Suspension or other restrictions before the student
24 goes through University disciplinary proceedings. Interim suspension shall be enacted when the ~~Senior~~
25 ~~Student Affairs Officer or their designee(s)~~Senior Student Affairs Officer (or their designee), determines
26 there is a reasonable basis to conclude that the continued presence of the student at the University

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- 1 presents an acute and immediate threat to themselves, to others at the institution, or to University
2 property.
- 3 2. During an Interim Suspension, ~~the~~ students shall be denied access to University premises (including
4 classes) and to all University activities or privileges for which the student might otherwise be eligible.
- 5 3. It is the right of the student issued an ~~Interim S~~suspension to meet with the ~~Senior Student Affairs~~
6 ~~Officer, or their designee(s)~~Senior Student Affairs Officer (or their designee) within two (2) working days
7 of the student reaching out to schedule a meeting to discuss the following issues only:¹
- 8 a. the reliability of the information concerning the student's alleged misconduct, including the matter of
9 their identity.
- 10 b. whether the alleged conduct and surrounding circumstances reasonably indicate that the continued
11 presence of the student on University premises poses a substantial and immediate threat to themselves,
12 to others, or to University property.
- 13 4. The ~~Senior Student Affairs Officer or their designee(s)~~Senior Student Affairs Officer (or their designee)
14 may affirm the Interim Suspension or lift the Interim Suspension. The student shall be notified of the
15 decision in writing. The student will then be asked to participate in ~~an the~~ investigation. If applicable,
16 the appropriate disciplinary proceeding will then be scheduled at the earliest possible time.
- 17 B. In certain circumstances, the ~~Senior Student Affairs Officer or their designee(s)~~Senior Student Affairs
18 Officer (or their designee) may impose other interim restrictions on a student prior to the conduct of
19 University disciplinary proceedings. Such restrictions may include, but are not limited to, such as a
20 residence hall suspension, termination of housing contract, or mandated room reassignment, or other
21 restrictions prior to the conduct of University disciplinary proceedings. These restrictions shall be
22 enacted when the ~~Senior Student Affairs Officer or their designee(s)~~Senior Student Affairs Officer (or
23 their designee) determines there is a reasonable basis to conclude that the student presents a
24 substantial and immediate threat to themselves, to others, or to University property if the student is
25 allowed access to the ~~item~~ resource being restricted.
- 26 C. Under certain circumstances when it is impossible for a student to address a disciplinary action issue,
27 ~~due to specific mitigating factors and~~ the incident in question does not require an Interim Suspension,

¹The Senior Student Affairs Officer (or their designee) must meet with the student within two (2) working days of the student's request for a meeting.

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1 the University may grant ~~the~~ a student a disciplinary withdrawal. The decision to grant a disciplinary
2 withdrawal will be made by the ~~Senior Student Affairs Officer or their designee(s)~~ Senior Student Affairs
3 Officer (or their designee), in consultation with the Chief Conduct Officer on the student's campus. The
4 student shall be permitted to withdraw from classes and a disciplinary hold will be placed on the
5 student's registration and transcript. The student ~~shall understand that they will not be permitted to~~
6 return to Rutgers University until the disciplinary matter has been resolved.

7 **IX. DISCIPLINARY SANCTIONS**

8 A. Disciplinary sanctions are imposed when students are found in violation of University regulations. The
9 purpose of sanctioning is to educate a student as to why their behavior is inappropriate, as well as to
10 make the student aware of and sensitive to all the possible consequences of the behavior in question.

11 Sanctions for misconduct will be determined on a case-by-case basis, utilizing six main criteria:

- 12 1. The nature of the offense.
- 13 2. The precedent established by previous sanctions.
- 14 3. The previous disciplinary history of the student.
- 15 4. Aggravating or mitigating circumstances ~~brought up during the investigation, Administrative~~
16 ~~Conference, or University Hearing.~~
- 17 5. The developmental needs of the student.
- 18 6. The safety and well-being of the community.

19 B. Sanctions are typically comprised of two components:

- 20 1. An "inactive sanction" or official University sanction (~~Reprimand, Suspension Withheld~~ Probation,
21 Disciplinary Suspension, Expulsion, and ~~or~~ loss of University housing)
- 22 2. An "active sanction" requiring the student to complete some form of service or assignment.

23 C. Inactive Sanctions

24 1. Reprimand

25 A reprimand formally indicates to a student that their behavior is unacceptable and that continuing that
26 behavior shall warrant additional, more serious consequences.

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1 2. Probation

2 Probation is a notice to a student that their actions are of such a serious nature that they may
3 jeopardize their status as a student. The University shall refrain from suspending the student at this
4 time, as long as the student meets all sanction requirements. Any additional incidents in which the
5 student is found in violation of the Code of Student Conduct may result in immediate removal from the
6 University for a specific period of time Disciplinary Suspension with the possibility of additional
7 sanctions.

8 There are two types of Probation:

- 9 a. Term without Conditions: A term Probation stipulates the period of Probation, after which the
10 student regains good standing with the University.
- 11 b. Term with Ceonditions: A term Probation with conditions stipulates the period of Probation and
12 includes specific restrictions or requirements to be met during the probationary period. The
13 probationary period shall continue until the Conduct Officer determines that the conditions
14 have been satisfied. When the term is complete and all conditions have been met, the student
15 will regain good standing with the University.

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16 ~~While a student is serving a probation, they cannot hold elected office and cannot represent the~~
17 ~~University in any official capacity, including but not limited to: intercollegiate athletics, Residence Life~~
18 ~~positions, major extracurricular activities, or student exchange programs including Global Studies and~~
19 ~~Learning Abroad. At the end of the probationary period, all lost privileges and eligibility shall be~~
20 ~~restored.~~

21 3. Disciplinary Suspension

22 Disciplinary Suspension is the temporary loss of student status. While on suspension, a student may not
23 take classes, participate in University sponsored activities, or be present on University premises.

24 There are two types of suspension; students may be subject to one or both. In either case, a notation
25 will remain on the student's official University transcript through the duration of the suspension.

- 26 a. Term: A term suspension stipulates the period of suspension, after which the student may return to
27 the University community as a student (if the student meets the academic requirements of the program
28 of study).

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1 b. Conditional: A conditional suspension requires that the student meet certain requirements before
2 they can return to the University community. The conditional suspension shall continue until the
3 Conduct Officer determines that the conditions have been satisfied. ~~In either case, a notation will~~
4 ~~remain on the student's official University transcript through the duration of the suspension. When the~~
5 ~~term is complete and all conditions have been met, the notation will be removed~~ student may return to
6 the University community as a student (if the student meets the academic requirements of the program
7 of study).

8 While on suspension, a student shall not be permitted to earn credits at any other institution for the
9 purpose of transferring those credits and making progress towards a Rutgers degree. ~~Notice of the~~
10 ~~suspension shall appear on the student's academic transcript for the term of the suspension.~~

11 4. Dismissal or Expulsion

12 Expulsion of a student from the University is a permanent loss of student status, unless the student has
13 successfully petitioned for clemency. A student is precluded from registration, participation in any class,
14 activity, or program of the University, and presence on University premises. The sanction of expulsion is
15 permanently noted on a student's official University transcript unless the student has successfully
16 petitioned for clemency, and has completed their degree.

17 5. Loss of University Housing

18 Termination of student housing privileges, and exclusion from campus residence hall premises and
19 activities. Loss of housing privileges is often permanent, but can be designated for a period of time at
20 the discretion of the University. This sanction may be implemented when a resident student has either
21 breached the terms and conditions of their housing contract, has engaged in inappropriate behavior on
22 or off campus that severely impacts the University community, and/or has been suspended, dismissed,
23 or expelled from the University. The termination can be enforced immediately, at the discretion of the
24 University, and is typically carried out and overseen by the Residence Life staff on the student's campus.
25 The student losing housing privileges will not receive a refund of any housing fees paid, may be subject
26 to a contract cancellation fee, and may be held financially responsible for the full cost of their housing
27 for the remainder of the contract period.

28

29 D. Active Sanctions

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1 1. Restitution

2 Repayment to the University or to an affected party for damages resulting from a violation of this Code.

3 2. Fines

4 Fines are monetary penalties utilized as a deterrent to further student misconduct, and are put in place
5 in cases involving the use of alcohol and other drugs. Conduct fine rates are approved by the Senior
6 Student Affairs Officers (or their designee(s)), on each campus.

7 3. Restorative

8 Programs, projects, or assignments designed to mitigate the harm done to the affected parties and
9 restore the University community. Restorative sanctions may include (but are not limited to)
10 educational service, letters of apology, and restorative justice practices.

11 a. Educational Service Hours – Service to the ~~university~~ University or local community organization to be
12 completed by a specified date. Locations and projects for completion of educational service must be
13 approved by the Conduct Officer.

14 b. Alternative Resolution – Students may be sanctioned to nontraditional means of conflict resolution.
15 These sanctions may vary from case to case and are imposed at the discretion of the Conduct Officer.

16 4. Educational

17 Programs, projects, or assignments designed to educate a student or student organization about the
18 consequences of their actions and to impart skills that may help the student or organization avoid future
19 violations.

20 5. Other Sanctions

21 Other sanctions may be imposed instead of, or in addition to, those specified above. Students may be
22 subject to restrictions ~~upon~~ or denials of University parking privileges for violations ~~involving the use of~~
23 ~~registration of motor vehicles on campus~~ of Department of Transportation policy. Students found
24 responsible for misuse of University computers or networks may lose the privilege of accessing those
25 ~~and the loss of privileges for access to University computers and/or networks~~. For violations of academic
26 integrity, appropriate academic penalties shall also be applied (see University Policy 10.2.13: Rutgers
27 University Academic Integrity Policy). For sanctions ~~regarding~~ for violations associated with University
28 housing, please refer to the Residence Life Living

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1 Guide (Rutgers University–New Brunswick, Rutgers University–Newark, and Rutgers University–
2 Camden). For sanctions regarding for violations associated with the Student Organization
3 policy committed by student organizations, please refer to the Student Organization sanctions Standards
4 of Conduct for Student Organizations. For violations associated with inter-collegiate athletes or student
5 organizations with national affiliations, NCAA/athletic non-University sanctions may apply.

6 **X. DISCIPLINARY PROCESS**

7 For all cases, except those:

8 (a) involving academic integrity violations

9 (b) subject to the Student Policy Prohibiting Sexual Harassment, Sexual Violence, Relationship Violence,
10 Stalking and Related Misconduct

11 (c) occurring in RBHS

12 (d) involving student organizational misconduct

13 A. Any University community member may submit a complaint alleging a violation of the Code of
14 Student Conduct. University community members may also submit a complaint on behalf of another
15 person. All complaints shall be reported to the Office of Student Conduct/Community Standards.

16 B. During the disciplinary process, the accused student and complaint party shall be informed of their
17 rights (as identified in Part VI, "Rights of the Complaint Party and the Accused Party Student") and given
18 information about the disciplinary process.

19 C. Should the accused a student withdraw from the University for any reason, at any time during the
20 disciplinary process, a hold will be placed on their transcripts and registration, and the student will be
21 prohibited from graduating while the matter is pending. The student will be unable to return to the
22 University until they have completed the disciplinary process and the matter has been resolved.

23 ED. Once a complaint has been received, a Conduct Officer conducts an investigation. The investigation
24 may include meetings with the responding party student, the complaint party, witnesses, and any other
25 involved individuals. All ~~parties~~ The accused student and complaint party will be given written notice of
26 meeting time(s), their rights and responsibilities, a list of Campus Advisors, and any other necessary
27 information as determined by the Conduct Officer. An investigation may not require meeting with all

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- 1 parties; the Conduct Officer will determine what meetings are necessary. The Investigation will
2 determine the next step of the process.
- 3 Ee. If the responding accused student fails to respond to the Office of Student Conduct/Community
4 Standards after contact has been attempted via several modes of communication, or fails to meet with
5 the Conduct Officer for an investigation, or Administrative Conference, the Conduct Officer will assume
6 the student declines to participate in the process. The Conduct Officer will make a determination based
7 on their investigation; cases involving suspension, expulsion, or loss of University housing will be
8 referred to a University Hearing. The Conduct Officer will notify the student of the complaint, charges,
9 findings, finding, and sanctions, if any. Should the student disagree with the findings, finding, they will
10 have the right to appeal to the Campus Appeals Committee.
- 11
- 12 F. After the Investigation, one of several things may happen:
- 13 (1) The Conduct Officer has insufficient information. No charges will be brought against the accused
14 student at this time.
- 15 (2) The parties may be able to bypass the conduct process using Alternative Resolution practices.
- 16 (3) The Conduct Officer finds enough information to send a Finding Letter.
- 17 (4) The Conduct Officer may request an Administrative Conference.
- 18 (5) Following an Administrative Conference, the accused student may be called to a University Hearing;
19 (oOnly for in cases where the recommended sanctions include suspension or /expulsion from the
20 University or loss of University housing).
- 21 1. No charges
- 22 The complaint does not include enough information for the Conduct Officer to bring charges against the
23 student. If new information is found, the University may reopen a case and the student may be subject
24 to the disciplinary process.
- 25 2. Alternative Resolution Practices
- 26 The University aims to create a culture that supports and utilizes Restorative Justice Practices to address
27 and repair harm in the community, restore wellness, and promote communication, engagement, and

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1 cooperation. The Office of Student Conduct/Community Standards offers several practices to resolve
2 issues outside of the disciplinary process. Any University community member or group may contact the
3 Office of Student Conduct/Community Standards to learn about available resolution options, and/or to
4 initiate a resolution process.

5 For practice options, see the Rutgers University – New Brunswick Student Conduct website.

6 **Practice Options:**

7 **a. Circles/Conferences**

8 Circles/Conferences bring together members of the community that have been impacted by an event or
9 incident. They allow both victims and respondents to have honest dialogue in a space where all
10 members may speak and ask questions. It is a non-threatening way to rebuild trust, community, and
11 relationships. Circles/conferences focus on gaining understanding and reaching a mutually desired
12 outcome or resolution.

13 **b. Conflict Negotiation/Resolution**

14 Conflict negotiation involves bringing in a third party to encourage communication.

15 Once the negotiator has a full understanding of the motives and needs of each person, they can begin to
16 look for ways for them to compromise. The negotiator creates a contract or agreement by incorporating
17 the agreed-upon compromises.

18 **c. Impact Panels**

19 Panels provide an opportunity for indirect encounter when either the victim or respondent is unwilling
20 or unable to meet the other in person. A panel is comprised of unrelated victims and respondents linked
21 only by a similar type of violation. The panel may help bring closure to the victims and to expose
22 respondents to the harms that they have caused by providing an opportunity for the parties to speak
23 about their experiences.

24 **d. Mediation**

25 Mediation is a dispute resolution process. Co-mediators will guide the people involved toward their own
26 resolution. Through joint sessions and separate caucuses with each person, the mediators help both
27 sides define the issues, understand the other's position, and move closer toward their own resolution.

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1 ~~63.~~ Finding Letter

2 In certain minor cases, a Conduct Officer will have enough information to determine charges and
3 responsibility from the complaint alone. The Conduct Officer will provide students with written
4 notification that includes the complaint, the given charges, the finding of responsibility, and sanctions.

5 Should a student feel they received a letter in error or if they disagree with the finding and/or sanctions,
6 they will have the opportunity to appeal to the Campus Appeals Committee. The Office of Student
7 Conduct/Community Standards will review the case for eligibility.

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8 ~~47.~~ Administrative Conference

9 After an investigation has been conducted, the Conduct Officer can request that the student attend an
10 Administrative Conference. The student may choose to have a Campus Advisor and/or a support person
11 present. The student will have the opportunity to present information, including witnesses, in their
12 defense. At this meeting, the Conduct Officer will review all available information and determine
13 ~~charges, responsibility, and sanctions. and recommend sanctions, should the student be found~~
14 ~~responsible for those charges. The Administrative Conference will be recorded. The Conduct Officer will~~
15 ~~notify the student of the outcome of the Administrative Conference in writing.~~

16 ~~If the recommended sanctions *do not* include separation from the University or loss of housing, the~~
17 ~~Conduct Officer will issue a finding and impose sanctions. Should a student disagree with the~~
18 ~~findings finding and/or the sanctions, they will have opportunity to appeal to the Campus Appeals~~
19 ~~Committee.~~

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20 ~~If the recommended sanctions *do* include separation from the University or loss of housing, the Conduct~~
21 ~~Officer will refer the case to a University Hearing. If the Conduct Officer finds that the matter warrants~~
22 ~~separation or loss of housing, the Conduct Officer will refer the matter to a University Hearing for a~~
23 ~~determination, unless the student chooses to accept the outcome of the Administrative Conference.~~

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24 See the Rutgers – New Brunswick Student Conduct website for Administrative Conference procedures.

25 ~~85.~~ University Hearing

26 a. ~~After an investigation or an Administrative Conference, a Conduct Officer may find enough~~
27 ~~information to suggest separation from the University. These cases Cases referred to a University~~
28 ~~Hearing will be heard by the University Hearing Board. The University Hearing Board is the a formal~~

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1 disciplinary body ~~comprised of two students and one faculty or staff member, of trained students,~~
2 ~~faculty, and staff members~~ overseen by a trained University community member serving as the
3 Presiding Officer. ~~See the Rutgers – New Brunswick Student Conduct website for University Hearing~~
4 ~~procedures. The student may choose to have a Campus Advisor and/or a support person present. During~~
5 ~~the hearing, the complaint party will provide a narrative of what happened. Then the respondent will~~
6 ~~have the opportunity to provide their narrative of what happened. Then witnesses in support of the~~
7 ~~complaint will provide their accounts. Then the respondent can provide witnesses to support their~~
8 ~~interpretation of the incident.~~

9 The University Hearing Board will review all available information, question all parties and any
10 witnesses, and determine responsibility and sanctions, if appropriate. ~~All University Hearings will be~~
11 ~~recorded. Should a student disagree with the findings~~ finding and/or the sanctions, they will have
12 opportunity to appeal to the Campus Appeals Committee.

13 ~~b. Hearing Boards will be comprised of two students, one faculty or staff member, and a trained~~
14 ~~University community member to serve as the Presiding Officer.~~

15 ~~c. If the responding student fails to respond to the Office of Conduct/Community Standards after~~
16 ~~contact has been attempted via several modes of communication, or fails to meet with the Conduct~~
17 ~~Officer for an investigation, or Administrative Conference, the Conduct Officer will assume the student~~
18 ~~declines to participate in the process. The Conduct Officer will make a determination based on their~~
19 ~~investigation. The Conduct Officer will notify the student of the complaint, charges, findings~~ finding, and
20 ~~sanctions, if any. Should the student disagree with the findings~~ finding, they will have the right to appeal
21 ~~to the Campus Appeals Committee.~~

22 ~~d. Should a student need to withdraw from the University for any reason, at any time during the~~
23 ~~disciplinary process, there will be a hold will be placed on their transcripts, registration, and graduation.~~
24 ~~The student will be unable to return to the University until they have completed the disciplinary process~~
25 ~~and their disciplinary matter has been resolved.~~

26 **XI. Appeals**

27 A. A student will have ten working days following a decision to file an appeal. All appeals must be
28 submitted in writing, and will be referred to the Campus Appeals Committee ("CAC") on the responding
29 student's campus. Failure to submit an appeal by the appropriate deadline will render the decision final
30 and conclude the disciplinary process. Appeals may be made on the following grounds:

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1 1. Unsupported Conclusion: The decision made by the Conduct Officer or University Hearing Board is not
2 supported by the facts of the case.

3 2. Procedural Error: ~~The Administrative Conference or University Hearing disciplinary process was~~
4 conducted unfairly and not in conformity with prescribed procedures. ~~The error committed must be~~
5 ~~determined to~~must have substantially impacted the fairness of the disciplinary process.

6 3. New Information: There is new information available that ~~wasn't~~was not available at the time of the
7 original Administrative Conference or University Hearing and that is sufficient to alter the original
8 decision.

9 4. Disproportionate Sanction: The sanction imposed against the student was not appropriate for the
10 offense committed.

11 B. Procedures

12 1. The Campus Appeals Committee (CAC) on the responding student's campus will convene to review
13 the case being appealed.

14 2. The Campus Appeals Committee will typically be comprised of two students ~~and~~ one faculty, or staff
15 member, ~~and will be overseen~~advised by a Conduct Officer unaffiliated with the case. ~~In the case of an~~
16 ~~Academic Integrity violation the Campus Appeals Committee will include a faculty member.~~

17 3. Appeals are decided upon the record of the original proceeding and any written information
18 submitted by any of the parties. The Campus Appeals Committee shall not substitute its judgment for
19 ~~the decision of the original hearing body~~that of the original finder of fact or attempt to rehear the case.

20 4. In preparation of an appeal, the responding ~~party~~student may have access to the recording of the
21 Administrative Conference or University Hearing, if any.

22 5. The Presiding Officer (if any), the Conduct Officer, and the complaint party (if any) may respond in
23 writing to the student's appeal.

24 6. Any responding student who accepts responsibility for, or is found responsible for, a violation is given
25 one appeal to be reviewed by the Campus Appeals Committee.

26 a. Accepted Responsibility – Any accused student who accepts responsibility for a ~~Code of Student~~
27 ~~Conduct violation~~violation of University policy but disagrees with the sanction imposed, maintains the
28 right to have their sanction reviewed by the Campus Appeals Committee. All information will be

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1 reviewed and a final determination will be made, affirming or modifying the sanctions. If the sanctions
2 are modified, the student is given new sanction instructions by the Campus Appeals Committee and the
3 case is concluded. If the sanction is affirmed, the original sanctions will stand, and the case is concluded.

4 However, should the sanctions include ~~less of University housing, suspension, or expulsion, or the loss of~~
5 ~~University housing,~~ the Campus Appeals Committee's decision is not final, however, the student will
6 have a final five working days to file an additional appeal to the Senior Student Affairs Officer (or their
7 designee), who makes the final decision on the appeal.

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8 b. Found Responsible - Any accused student who is found responsible for a ~~Code of Student Conduct~~
9 ~~violation~~ violation of University policy but disagrees with the finding and/or sanction imposed, maintains
10 the right to have their case reviewed by the Campus Appeals Committee. The Campus Appeals
11 Committee will review all information and make a determination: affirm the original finding and
12 sanction; affirm the finding and modify the sanction; or remand the case for a new Administrative
13 Conference or University Hearing.

14 c. Sanctions will only be recommended for change if they are found to be clearly disproportionate to the
15 gravity of the violation, precedent for similar offenses, and/or the accused student's prior disciplinary
16 record. Cases will only be recommended for remand for a new Administrative Conference or University
17 Hearing in the event of an unsupported finding, new and significant evidence, or significant procedural
18 error.

19 d. If the sanctions include ~~suspension, or expulsion, or the loss of University housing,~~ the CAC decision is
20 ~~not~~ final; however, the student will have a final five working days to file an additional appeal to the
21 Senior Student Affairs Officer (or their designee), who makes the final decision on the appeal.

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22 C. The imposition of sanctions will normally be deferred during any appeals process. The status of the
23 student shall not change until the appeals process is complete. The University reserves the right to place
24 a hold on the student's registration and/or transcript and no degree will be awarded to the student
25 during the appeals process. Interim actions may also be taken to protect a complaint party or the
26 University community while the case is going through the appeals process ~~to protect a complaint party~~
27 ~~or the University community~~. Where permitted by state and federal laws, the Chief Conduct Officer, (or
28 their designee(s)), may notify the victim of an act of student misconduct of any sanction imposed.

29 D. Upon the conclusion of the appeal process, outlined above, there are no additional remedies
30 available to the student.

1 **XII. DISCIPLINARY FILES (not including RBHS)**

2 A. A student found responsible for, or who accepts responsibility for, violating the Code of Student
3 ~~Conduct or Academic Integrity Policy~~ University policy shall have a disciplinary file created in their name.
4 University Records Retention Policy requires that disciplinary records be kept for ten years from the
5 date of the letter providing notice of final disciplinary action. Disciplinary records may only be reported
6 to third parties in accordance with University regulations and subject to the Family Educational Rights
7 and Privacy Act of 1974.

8 B. A disciplinary hold may be placed on a student's University records by the Chief Conduct Officer, or
9 their designee(s), while disciplinary proceedings are pending or if sanctions are not completed by the
10 deadline.

11 C. Permanent notation of disciplinary action shall be made on the transcript whenever a student is
12 ~~dismissed or expelled~~, except in cases where a student has successfully petitioned for clemency and has
13 completed their degree. Transcript notations of disciplinary action will also be made if a suspension is
14 implemented; when the suspension has been completed, the notation will be removed.

15 D. At no time will the Office of Student Conduct/Community Standards provide any information that
16 divulges to the public the name, address, or other identifying personal information of anyone involved in
17 the disciplinary process.

18 **XIII. CLEMENCY FOR EXPULSION**

19 A. Rutgers University has established standards of conduct for students and imposes sanctions for
20 violations of these standards in order to sustain the personal, educational, and social development of its
21 students. The University expels students when the student's behavior is so egregious that the University
22 concludes that their continued affiliation with the University is antithetical to the safety or interests of
23 the University community.

24 B. The University recognizes that, following a long separation from the University, people may change.
25 Consequently, it is appropriate that the University consider granting clemency to expelled former
26 students in circumstances where they are able to provide significant evidence of rehabilitation and a
27 renewed commitment to the standards of conduct and scholarship expected of Rutgers students. For
28 the purposes of this document, a petition for clemency is a procedure whereby the expelled individual
29 requests the opportunity to complete their degree, and asks the University to consider new

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1 circumstances and facts that might alter the original sanction. Individuals who have been expelled from
2 the University may seek clemency under the following circumstances and conditions:

3 1. The individual must wait a minimum of five calendar years after the original expulsion before
4 initiating a request for clemency. If the individual has taken classes elsewhere in the intervening period,
5 those credits will not transfer towards the Rutgers degree.

6 2. The request for clemency must be made in writing to the Senior Student Affairs Officer on the campus
7 from which the student was expelled, hereafter referred to as the Clemency Officer. The written request
8 should include appropriate documentation concerning the individual's status during the intervening
9 years since the expulsion, any additional mitigating circumstances with appropriate documentation, and
10 any additional information about character or change of behavior that may be appropriate. This
11 documentation may include records pertaining to mental health status, employment, criminal, or
12 probation records, educational records, social service records, and letters of recommendation. NOTE: A
13 victim impact statement will be allowable if relevant. The Clemency Officer should arrange for its
14 inclusion in the assembled documents.

15 3C. Procedures

16 1. Upon receipt of the request for clemency, the Clemency Officer may consult with whomever they
17 wish and may empower an advisory panel to advise them. The Clemency Officer or advisory panel will
18 review the request for clemency and may conduct a personal interview with the individual and/or
19 conduct other forms of inquiry as needed.

20 4. The Clemency Officer will make a recommendation to the President of the University on clemency
21 including specific conditions, if any, for admission/readmission.

22 5. The final decision (with any special conditions) will be made by the President and transmitted to the
23 Clemency Officer on the campus from which the individual was expelled.

24 6. The decision of the President is final.

25 7. If clemency is granted, the individual will be readmitted to the University and to the school,
26 program, or successor unit from which they were expelled (assuming they are academically qualified for
27 reenrollment). If the individual wants to attend a different academic unit within the University, they will
28 be subject to the same requirements and approval processes as any current student. They will remain
29 on Probation, noted on the transcript, until the degree is completed, at which time ~~it~~ the notation will

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- 1 be removed, as will the notation regarding the original expulsion. The individual must meet whatever
2 graduation requirements are in place at the time of readmission. The President may impose additional
3 conditions on the individual's readmission.
- 4 ~~86~~. A record of the expulsion will remain in the student's disciplinary records maintained by the Office of
5 Student Conduct, and is not subject to expunction.
- 6 **XIV. STUDENT CONDUCT PROCESS VOLUNTEERS**
- 7 Rutgers University will recruit and train individuals to serve as Campus Advisors, University Hearing
8 Board members, ~~University Hearing~~Presiding Officers, and Campus Appeals Committee members.
- 9 **XV. REVISIONS TO THE CODE OF STUDENT CONDUCT**
- 10 A standing system-wide committee is responsible for reviewing this Code and suggesting appropriate
11 amendments or modifications. The committee shall consist of a minimum of two students and two
12 representatives from Rutgers University–Camden, Rutgers University–Newark, and Rutgers University–
13 New Brunswick.
- 14 It will be the responsibility of the Senior Student Affairs Officer at Rutgers University–New Brunswick to
15 inform the University Senate, the President of the University, and the Board of Governors of any
16 substantive changes in the student disciplinary process recommended by the committee. Substantive
17 changes to the Code of Student Conduct must be approved by the Board of Governors; minor changes
18 may be approved by the President.