



## RUTGERS POLICY

**Section:** 10.2.11

**Section Title:** Student Academic Regulations & Policies

**Policy Name:** Code of Student Conduct

**Formerly Book:** 4.2.7

**Approval Authority:** Board of Governors

**Responsible Executive:** Executive Vice President for Academic Affairs

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

**Originally Issued:** 7/7/1972

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**Errors or changes?** Contact: Office of Student Conduct at [conduct@rci.rutgers.edu](mailto:conduct@rci.rutgers.edu) or 732-932-9414

1. **Policy Statement**

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

2. **Reason for Policy**

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

3. **Who Should Read This Policy**

All members of the Rutgers University community

4. **Related Documents**

Rutgers University Academic Integrity Policy, 10.2.13

5. **Contacts:**  
Office of Student Conduct  
848-932-9414  
conduct@rci.rutgers.edu, <http://conduct.rutgers.edu>

Office of Student Affairs Compliance  
848-932-8576  
<http://compliance.rutgers.edu>

6. **The Policy**

**10.2.11 UNIVERSITY CODE OF STUDENT CONDUCT**

**I. PREAMBLE**

Rutgers, The State University of New Jersey, is dedicated to teaching that meets the highest standards of excellence; to conducting research that breaks new ground; and to turning knowledge into solutions for local, national, and global communities. As it was at our founding in 1766, the heart of our mission is preparing students to become productive members of society and good citizens of the world.

When students choose to accept admission to Rutgers University, they accept the rights and responsibilities of membership in the University's academic and social community. As members of the University community, students are expected to uphold our stated values by maintaining a high standard of conduct. Because the University establishes high standards for membership, its standards of conduct may exceed federal, state, or local requirements.

The primary purpose of the student conduct process should be to foster the personal, educational, and social development of students. The process should also serve as deterrence to misconduct to enhance the safety and security of the community. Students are expected to take responsibility for their conduct. Disciplinary consequences therefore serve both educational and deterrence objectives.

Those working within the conduct system balance the individual needs of students with the expectations set by the University to provide a safe community. The University, through authority given to it by its Board of Governors, is responsible for communicating behavioral expectations to students and the consequences for violating standards. This Code of Student Conduct describes the behaviors that are inconsistent with University values; it outlines procedures to respond to such behaviors; and it suggests possible sanctions and interventions that are intended to educate and safeguard members of the University community.

**II. DEFINITIONS:**

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

- A. "Accused student" or "responding student" is any current student who has had disciplinary charges filed against him or her.
- B. "Administration or staff" includes any person who currently holds a non-faculty appointment within the University. This classification does not include faculty who serve as department chairs.
- C. "Adviser" is a member of the University community who has been selected by an accused student or by a complaint party to assist him or her in University Hearings or Disciplinary Conferences.

- D. "Chancellor's Designee" is the person (or people) for Rutgers University- Camden, Rutgers University-Newark and Rutgers Biomedical and Health Sciences ("RBHS") empowered to oversee the student conduct process.
- E. "College" or "School" means any academic division at Rutgers University.
- F. "Complaint initiator" or "complaint party" refers to anyone who has filed a report with the Office of Student Conduct alleging misconduct of a Rutgers University student.
- G. "Faculty" includes any person who holds a current academic appointment within the University.
- H. "Institution" and "University" mean Rutgers, The State University of New Jersey.
- I. "Member of the University community" means any student, faculty, administrator or employee at the University.
- J. "Student" is any person for whom the University maintains educational records, as defined by the Family Educational Rights and Privacy Act of 1974 and related regulations, and who has not yet been awarded his or her degree from the University at the time of the alleged violation. The term student may also include any person who is a non-matriculating student at the time of the alleged violation.
- K. "Student organization" is any identified group of students who have complied with the formal requirements for University recognition and affiliation and have registered for affiliation with the University.
- L. "Support person" is the person or persons who have been asked by the accused student or complaint party to attend a Disciplinary Conference or University Hearing to provide support and assistance. A support person cannot represent the person during the Disciplinary Conference or hearing and cannot address a Hearing Board, Hearing Officer, or Student Conduct Officer unless specific procedures provide that person the opportunity to speak.
- M. "University premises," includes buildings or grounds owned, leased, operated, controlled or supervised by the University.
- N. "University sponsored activity" means any academic, co-curricular, extra-curricular or other activity on or off campus, which is initiated, aided, authorized or supervised by the University.
- O. "Working day" includes any weekday that is not listed as a University holiday on the University Calendar. Days when classes are not in session but the University is open for business, are "working days."

### **III. JURISDICTION AND AUTHORITY**

- A. This Code shall apply to conduct that occurs on University premises, at University sponsored activities, at events where students are representing the University, and to off-campus student conduct that adversely affects the University community and/or the pursuit of its objectives. The Senior Student Affairs Officer or designee (in Rutgers University-Camden, Rutgers University-Newark, and Rutgers University-New Brunswick) and the Chancellor's designee at RBHS shall determine when the Code shall be applied to conduct occurring off campus. Each student shall be responsible for his/her conduct from the time of application through the actual awarding of a degree or certificate, even if conduct occurs before classes begin or after a semester is complete.

- B. The Academic Integrity Policy is used to address allegations of student academic misconduct. The Chief Academic Officer has oversight over the Academic Integrity Policy and the University Senate approves the procedures for adjudicating cases of academic misconduct. Academic Integrity cases are addressed by faculty members, Academic Integrity Facilitators, and the Office of Student Conduct. Academic integrity standards and procedures are described in the *Rutgers University Academic Integrity Policy, 10.2.13*.
- C. Individual academic programs may have additional ethical rules, professional requirements and professional standards of conduct. Academic programs are empowered to address deviations from acceptable professional standards of conduct. Any procedures a program puts in place to address deviations from their professional standards must include, at a minimum, notice to the student of the issue and some opportunity for the student to respond to the information before a decision is made.
- D. Student organizations are collectively responsible for any action committed by members on behalf of the organization that violates University policy. Disciplinary action against student organizations is separate from action taken against individuals. Facts of an incident may necessitate action against both a student organization and the individual members of that organization who were found to have violated University policy.
- E. Formal rules of process, procedure, and/or evidence that are applied in criminal and civil courts are not used in campus disciplinary proceedings. Participants are provided process and procedure as outlined in this Code.
- F. The Residence Life Community Standards Office in New Brunswick and the Residence Life staff in Camden and Newark will review and respond to minor cases of alleged student misconduct for incidents that involve students living in the residence halls that take place in and immediately around the residence halls.
- G. The Director of Student Conduct shall develop procedures and policies for administration of the conduct process that are consistent with provisions of the Code of Student Conduct.
- H. The University may take interim disciplinary action as outlined in Section VIII.

#### **IV. VIOLATIONS OF LAW AND UNIVERSITY DISCIPLINE**

Students may be held accountable for their behavior through both the criminal system and the University conduct process. University conduct proceedings may be carried out prior to, simultaneously with, or following civil or criminal proceedings at the discretion of the Director of Student Conduct for Rutgers University-New Brunswick and the Chancellor's Designee for RBHS, Rutgers University-Camden or Rutgers University-Newark. Disciplinary action, decisions, and/or sanctions shall not be subject to change because criminal charges were dismissed, reduced, or resolved in favor of the student. University community members are not precluded from filing a civil or criminal charge against a student before, while, or after the University pursues disciplinary action.

#### **V. RESPONDING TO STUDENT RIGHTS**

Rutgers, The State University of New Jersey, expects that all disciplinary proceedings will be handled fairly. All Rutgers University students shall therefore be granted the following rights in the disciplinary process under this Code and under the Academic Integrity Policy:

- A. A student has the right to be treated with dignity by the University Hearing Board and by all persons involved in the disciplinary process.
- B. A student has the right to information pertaining to counseling services.
- C. A student has the right to a fair hearing.

- D. A student has the right to have an adviser present at all disciplinary meetings and hearings. It is the responsibility of the student to make sure his/her adviser is present at hearings and meetings. Specific adviser availability shall not be sufficient grounds for postponing hearings or Disciplinary Conferences.
- E. A student has the right to have a support person present at all disciplinary meetings and hearings. It is the responsibility of the student to make sure his/her support person is present at hearings and meetings. Support person availability shall not be sufficient grounds for postponing meetings, hearings, or Disciplinary Conferences.
- F. A student has the right to written notice of the charges placed against her or him that also indicates the time and place of any Disciplinary Conference or hearing. Proper written notification shall be defined as delivery of mail to a student's local or permanent address, as reported by the student to the University Registrar, or an e-mail message sent to the email account established as his or her official e-mail. Students shall be held responsible for the contents of mail sent to reported addresses and e-mail messages sent to their established e-mail accounts. Students have the responsibility for providing the University with current addresses, e-mail addresses, and phone numbers.
- G. A student has the right to receive a written copy of the report(s) stating the circumstances and allegations involved. This information shall generally be available to the student when he or she is notified of the charges.
- H. A student has the right not to present information against herself or himself. Students do not have to speak at any meeting, conference or hearing and no negative inference will be made should a student choose not to speak.
- I. A student has the right to hear and respond to all information presented against her or him.
- J. A student has the right to present information and/or witnesses on her or his behalf. The relevancy of witnesses shall be determined by the Student Conduct Officer, Hearing Chair, or Hearing Officer.
- K. A student has the right to privacy throughout the disciplinary process with respect to campus and other media, and from all other uninvolved parties.
- L. A student has the right to expect to be free from intimidation, harassment, and bullying throughout the disciplinary process.
- M. A student has the right to written notification of the results of the hearing or conference within a reasonable time after a University Hearing or Disciplinary Conference.
- N. A student has the right to be informed of his or her right to appeal and of the process for doing so.

## **VI. COMPLAINT PARTY RIGHTS**

When a member of the Rutgers University community files a complaint against a Rutgers University student, that person should expect that the University shall respond in a caring manner, allowing that person to utilize the disciplinary process while also maintaining the rights of the accused student. The following rights shall be provided persons serving as complaint parties for alleged offenses under this Code, the RBHS Student Rights and Responsibilities Policy, and the Rutgers University Academic Integrity Policy:

- A. The person has the right to be treated with dignity by the University Hearing Board and by all persons involved in the disciplinary process.
- B. The person has the right to information pertaining to the University disciplinary process and appropriate referrals for information on the criminal process.
- C. The person has the right to information pertaining to counseling services.
- D. The person has the right to assistance throughout the disciplinary process, including the right to have an adviser and support persons at all disciplinary meetings and proceedings. It is the responsibility of the complaint party to make sure his or her Adviser and support

persons are present at hearings, or Disciplinary Conferences. Adviser or support person availability is not sufficient grounds for postponing a hearing, meeting, or Disciplinary Conference.

- E. The person has the right to the same protections provided to accused students, including the right to written notification of a meeting, conference or hearing, the right to hear all information presented, the right to present information and witnesses, and the right to written disclosure of the results of a meeting, conference or hearing. For cases involving assault, relationship violence, harassment, sexual violence, bullying, intimidation, invasion of privacy, stalking, and hazing the person also has the right to appeal.
- F. The person has the right to have any unrelated past behavior excluded from the disciplinary process. The Student Conduct Officer or Hearing Officer shall determine what constitutes unrelated behavior.
- G. The person has the right to deliver or submit a written impact statement to the Student Conduct Officer, Hearing Chair, Administrative Hearing Officer, or Hearing Board that will be considered only in sanctioning, should the accused student be found responsible.
- H. The person has the right to privacy throughout the disciplinary process with respect to campus and other media, and from all other uninvolved parties.
- I. The person has the right to expect to be free from intimidation and harassment, and bullying throughout the disciplinary process.
- J. For cases involving assault, relationship violence, sexual violence, harassment, bullying, threats, intimidation, hazing or stalking, the person has the right, upon request, to have reasonable steps taken by the Office of Student Conduct or other University agencies to prevent any unnecessary or unwanted contact with the accused student(s).

## **VII. RULES AND REGULATIONS**

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

### **Violations, including but not limited to**

1. Academic integrity:

Violations of the Rutgers University Academic Integrity Policy. Please refer to the Rutgers University Academic Integrity Policy for specific information regarding what would constitute a violation of this policy.

2. Acts of dishonesty:

- a. Forging, unauthorized alteration, or unauthorized use of any University documents or records, or any instrument or form of identification.
- b. Intentionally furnishing false information to the University.
- c. Intentionally furnishing false information to persons outside the University concerning the student's academic record, degree, or activities.
- d. Intentionally initiating or causing to be initiated any false report, warning, or threat of fire, explosion, or other emergency.
- e. Unauthorized entry into, use of, or misuse of University property, including computers and data and voice communication networks.

3. Safety violations:

- a. Intentionally or recklessly starting a fire (does not include University approved programs including fire, e.g., bonfires.)

- b. Misusing fire safety equipment or elevators.
  - c. Intentionally or recklessly endangering the welfare of any individual.
  - d. Intentionally or recklessly obstructing fire, police, or emergency services.
  - e. Using, possessing, or storing dangerous chemical, fireworks, or explosives on University property, even if they are legal to possess because of a license or illegally possessing dangerous chemicals, fireworks or explosives on an off-campus property. Possessing and storing small containers of Mace is permitted.
  - f. Using, possessing, or storing of any object classified as a weapon by the State of New Jersey on University property or illegally possessing weapons on an off-campus property. Law enforcement officials who are authorized by law to carry firearms are excluded from this definition.
  - g. Utilizing any instrument in a manner that endangers or tends to endanger any person.
  - h. Obstructing the free flow of pedestrian or vehicular traffic on or adjacent to University premises or at University events.
  - i. Failing to comply with the reasonable and lawful directions of University officials and University police.
4. Physical misconduct:
- a. Inflicting bodily harm upon any person.
  - b. Threatening to use force against a person.
5. Sexual violence or non-consensual sexual contact:
- a. Touching of an unwilling or non-consenting person's intimate parts (such as genitalia, groin, breast, buttocks, or mouth under or over a person's clothes).
  - b. Touching an unwilling person or non-consenting person with one's own intimate parts.
  - c. Forcing an unwilling person to touch another's intimate parts.
  - d. Penetrating an unwilling person orally, anally, or vaginally with any object or body part. This includes, but is not limited to, penetration of a bodily opening without consent, through the use of coercion, or through exploitation of another's inability to give consent.
  - e. Penetrating an unwilling person orally, anally, or vaginally with any object or body part by use of force, threat, and/or intimidation.

According to New Jersey law, age, physical impairment and mental impairment all contribute to a person's ability to give consent. A person must be 16 years of age to legally consent to sexual activity. A person cannot give consent to sexual activity with someone who has "the duty to care" for them unless they are over the age of 18. Individuals that fall into "the duty to care" category would include parents or guardians, and those in any type of formal supervisory role. If individuals are between the ages of 13 and 15 they can legally consent to sexual activity with a partner who is not more than 4 years older.

An individual who is physically or mentally impaired may not be able to give consent to sexual activity. Physical or mental impairment may include: visual, speech or hearing impairment, cognitive impairment; being unconscious or asleep; or being under the influence of alcohol or other substance(s) to the point of being unable to make a decision.

6. Bullying, intimidation, and harassment:
- a. Making, or causing to be made any communication (including electronic or through social media) to another person in any manner likely to cause alarm.

- b. Subjecting another person or threatening to subject another person to striking, kicking, shoving, or offensive touching.
- c. Threatening to reveal personal information or media about a person electronically or through other means of communication.
- d. Engaging in any other course of alarming conduct or repeatedly committing acts with the purpose of seriously alarming another person.

A person's behavior should be sufficiently severe, pervasive, or persistent as to substantially disrupt or interfere with the orderly operation of the institution or the rights of a student to participate in or benefit from the educational program.

7. Relationship violence:

Any act of physical, sexual, and/or psychological harm against an individual by a current or former intimate or romantic partner, or by a person with whom the victim shares a child in common. Intimate or romantic partners may be dating, cohabitating, married, separate or divorced, and may be of the same or different sex.

8. Defamation:

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

9. Hazing:

- a. Engaging in any act that impacts the mental, emotional, or physical health or safety of a student for the purpose of initiation into, admission into, affiliation with, or continued membership in any organization or team whose members are Rutgers University students.
- b. Engaging in any activity that is inconsistent with regulations or policies of Rutgers University or laws in the State of New Jersey for the purpose of initiation into, admission into, affiliation with, or continued membership in any organization or team whose members are Rutgers University students.

Behavior falling into these categories shall be considered hazing regardless of whether a person is a willing participant.

10. Invasion of privacy:

- a. Making, attempting to make, transmitting, or attempting to transmit audio, video, or images of any person(s) on University premises in bathrooms, showers, bedrooms, or other premises where there is an explicit expectation of privacy with respect to nudity and/or sexual activity, without the knowledge and consent of all participants subject to such recordings.
- b. Viewing or spying on a person(s) on University premises in bathrooms, showers, bedrooms, or other premises where there is an explicit expectation of privacy with respect to nudity and/or sexual activity, without the knowledge and consent of all participants.

11. Theft or damage to property:

- a. Taking or attempting to take University property or private property without the consent of the owner or person legally responsible for that property.



- b. Obtaining University services through devious means.
- c. Knowingly possessing private or University property that was stolen.
- d. Intentionally or recklessly damaging University or private property.

12. Distribution or possession of alcohol, narcotics, or other drugs:

- a. Selling, transferring, or exchanging something in return for narcotics, prescription medications, or illegal substances on University property or between members of the University community.
- b. Providing or facilitating the consumption of alcohol by any person without taking reasonable and prudent precautions to insure that the person is of legal drinking age in New Jersey.
- c. Sharing medical marijuana with individuals who do not have a medical marijuana prescription.
- d. Possessing or consuming alcohol under the legal drinking age in New Jersey.
- e. Possessing alcohol in areas of campus where alcohol is not permitted.
- f. Unlawfully possessing or using drugs, narcotics, controlled substances, or paraphernalia.
- g. Misusing or misappropriating any prescription, over-the-counter medication, or legal substance.
- h. Possessing or using medical marijuana on any Rutgers University property.

13. Stalking:

Any course of conduct directed at a specific person that would cause a reasonable person to be fearful of serious harm or danger to himself or herself or to individuals close to him or her. Examples of stalking include non-consensual communication and physical contact; following or pursuing the other person; waiting or showing up at locations visited by the other person; spying on a person; trespassing; vandalism; gathering of information about a person from others; or manipulating and controlling behaviors such as threats to harm oneself or threats to harm someone close to the victim.

14. Disruption:

- a. Intentionally or recklessly interfering with any University activity or University sponsored activity.
- b. Disrupting or obstructing an academic class or lecture, an administrative or support function, or official University business.
- c. Engaging in classroom conduct prohibited by the faculty member or in violation of the law or University policy.

It should be noted that this policy is not intended to punish students for classroom dissent or hinder organized, peaceful and orderly protests that are undertaken within reasonable time, manner, and place restrictions placed upon the same by the University.

15. Disorderly conduct:

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

16. Undisclosed recording:

Making, attempting to make, or transmitting an audio or video recording of private, non-public conversations and/or meetings on University premises without the knowledge and

consent of all participants subject to such recordings. This provision does not extend to the recording of public events or discussions, or to recordings made for law enforcement purposes.

17. Violations of other University policies:
  - a. Violating other published University regulations or policies.
18. Abuse of the disciplinary system:
  - a. Knowingly providing false testimony or evidence at a University Hearing or Disciplinary Conference.
  - b. Disrupting or interfering with the orderly conduct of a University Hearing or Disciplinary Conference.
  - c. Failing to complete imposed sanctions.
  - d. Refusing to provide information at a Disciplinary Conference or University Hearing. A witness may choose not to present information if he or she feels information presented will lead to self-incrimination.
  - e. Harassing a University Hearing Board member before or after a disciplinary proceeding.

## **VIII. INTERIM ACTION**

- A. Interim Suspension
  1. In certain circumstances, the Senior Student Affairs Officer or her/his designee may impose an Interim Suspension or other restrictions before the student goes through University disciplinary proceedings. Interim suspension shall be enacted when the Senior Student Affairs Officer determines there is a reasonable basis to conclude that the continued presence of the student at the University presents a substantial and immediate threat to himself/herself, to others at the institution, or to University property.
  2. During an Interim Suspension, students shall be denied access to the residence halls, to the campus (including classes) and to all University activities or privileges for which the student might otherwise be eligible.
  3. A student suspended on an interim basis shall be given an opportunity to meet with the Senior Student Affairs Officer or a designee within two working days in order to discuss the following issues only:
    - a. the reliability of the information concerning the student's alleged misconduct, including the matter of his or her identity.
    - b. whether the conduct and surrounding circumstances reasonably indicate that the continued presence of the student on University premises poses a substantial and immediate threat to himself/herself, to others, or to property.
  4. The Senior Student Affairs Officer may affirm the Interim Suspension or lift the Interim Suspension. The student shall be notified of the decision in writing. The student will then be asked to meet with a Student Conduct Officer for the purpose of going over the disciplinary process and speaking with the student about his/her options. A disciplinary proceeding will then be scheduled at the earliest possible time.

- B. In certain circumstances, the Senior Student Affairs Officer or her/his designee may impose other interim restrictions on a student, such as a residence hall suspension, termination of housing contract, mandated room reassignment, or other restrictions prior to the conduct of University disciplinary proceedings. These restrictions shall be enacted when the Senior Student Affairs Officer or designee determines there is a reasonable basis to conclude that the student presents a substantial and immediate threat to himself/herself, to others, or to University property if the student is allowed access to the item being restricted.
- C. Under certain circumstances when it is impossible for a student to address disciplinary action due to specific mitigating factors and the incident in question does not require an Interim Suspension, the University may grant a student a disciplinary withdrawal. The decision to grant a disciplinary withdrawal will be made by the Senior Student Affairs Officer, in consultation with the Director of Student Conduct (Rutgers University-New Brunswick) or Chancellor's designee (RBHS, Rutgers University-Camden and Rutgers University-Newark). The student shall be permitted to withdraw from classes and a disciplinary hold will be placed on his or her record. The student shall understand that he or she will not be permitted to return to Rutgers University until the disciplinary matter has been resolved.

## IX. DISCIPLINARY SANCTIONS

- A. Disciplinary sanctions are imposed when students are found in violation of University regulations. The purpose of sanctioning is to educate a student as to why her or his behavior is inappropriate, as well as to make the student aware of and sensitive to all the possible consequences of the behavior in question. Sanctions for misconduct will be determined on a case by case basis, utilizing six main criteria: a) the nature of the offense, b) the precedent established by previous sanctions, c) the previous disciplinary history of the student, d) aggravating or mitigating facts brought up during the University Hearing or Disciplinary Conference, e) the developmental needs of the student, and f) the safety and well being of the community.
- B. Sanctions are typically comprised of two components: a) an "inactive sanction," or official University sanction (Warning, Reprimand, Disciplinary Probation, Restrictive Probation, Disciplinary Suspension, or Expulsion); as well as b) an "active sanction," requiring the student to complete some form of service or assignment. The sanctioning process is outlined on the Office of Student Conduct website (<http://studentconduct.rutgers.edu>) in the *Rutgers University Sanction Guide*.
- A. Inactive sanctions:
  1. Warning: A Warning is notice, orally or in writing, that continuation or repetition of conduct shall be cause for additional disciplinary action.
  2. Reprimand: A Reprimand formally indicates to a student that his or her behavior is unacceptable and that continuing that behavior shall warrant additional, more serious consequences.
  3. Disciplinary Probation: A student who is placed on Disciplinary Probation is notified that he or she is not in good standing with the University. Violations of the terms of Disciplinary Probation, or any other violation of this Code during the period of probation, shall be viewed as both a violation of the Code of Student Conduct and a violation of a student's probation and shall typically result in suspension.
  4. Restrictive Probation: Restrictive Probation is a notice to a student that his or her actions are of such a serious nature that removal from the University for a period of time is recommended. The University shall refrain from suspending the student as long as the student meets all sanction requirements. Any additional incidents in which the student is found in violation of the Code of Student Conduct shall result in immediate removal from the University for a period of time and the possibility of additional sanctions. While a student is serving a Restrictive Probation, he or she

may not hold elected office and may not represent the University in any official capacity, including intercollegiate athletics, major extracurricular activities or student exchange programs. At the end of the deferred suspension period, all lost privileges and eligibility shall be restored.

5. Suspension: Suspension involves a certain period of time in which a student may not participate in any academic or other activities at the University. There are two types of suspension: term and conditional. A term suspension stipulates the period of suspension, after which the student may return to the University community as a student (if the student meets the academic requirements of the program of study). A conditional suspension requires that the student meet certain requirements before he or she can return to the University community. The conditional suspension shall continue until the Director of Student Conduct determines that the conditions have been satisfied. While on suspension, a student shall not be permitted to earn credits at any other institution for the purpose of transferring those credits and making progress towards a Rutgers degree. Notice of the suspension shall appear on the student's academic transcript for the term of the suspension.
  6. Dismissal or Expulsion: Permanent termination of student status, and exclusion from University premises, privileges and activities. This action shall permanently be recorded on the student's academic transcript.
- D. Active sanctions:
1. Restitution: Repayment to the University or to an affected party for damages resulting from a violation of this Code.
  2. Other Sanctions: Other sanctions may be imposed instead of, or in addition to, those specified in sections (1) through (6). For example, students may be subject to removal from University housing for disciplinary violations. Likewise, students may be subject to restrictions upon or denials of University parking privileges for violations involving the use of registration of motor vehicles on campus and the loss of privileges for access to University computers or networks. For violations of academic integrity, appropriate academic penalties shall also be applied (see the Rutgers University Academic Integrity Policy). For a full list of active sanctions utilized at Rutgers University, please see the *Rutgers University Sanction Guide* on the Office of Student Conduct website (<http://studentconduct.rutgers.edu>).

**X. DISCIPLINARY PROCEDURES (for all cases, except (a) cases involving academic integrity (b) cases that are subject to the Title IX Grievance Procedures (sexual assault, sexual harassment, relationship violence, and stalking) and (c) cases occurring in RBHS)**

- A. Any University community member may contact the Office of Student Conduct to learn about available resolution options, and/or to initiate a resolution process. The Office of Student Conduct provides opportunities for issues to be resolved without use of the disciplinary process. These opportunities include the use of mediation, facilitated dialogue, conflict coaching, and restorative justice conferencing.
- B. Any University community member may submit a complaint alleging a violation of the Code of Student Conduct. University community members may also submit a complaint on behalf of another person, based on information reported to the community member by the other person, if the victim of the alleged act is not a community member or if the victim is a community member who is unwilling or unable to file a complaint. All complaints shall be submitted in writing to the Office of Student Conduct, within 60 days of alleged incident or discovery of the incident. The Director of Student Conduct or Chancellor's designee may waive the 60 day limitation if there is a valid reason why the complaint was not submitted within the time period. Once a complaint has been received, the Director of Student Conduct or Chancellor's designee assigns a Student Conduct Officer to conduct a Preliminary Review.

C. Preliminary Review Procedures:

1. During the Preliminary Review, the accused student shall be informed of his/her rights and given information about the disciplinary process. The Student Conduct Officer reviews all available information with the accused student, meets with the person filing the complaint (if needed), and gathers information from witnesses to determine whether or not there is enough information to charge the student with a violation of the Code of Student Conduct. A preliminary review report is also generated.
  - a. If the Student Conduct Officer determines that there is not enough information to support a Code of Student Conduct charge, he or she shall notify the student that charges are not being filed. The student is also informed that charges could be brought if additional information is provided to the Student Conduct Officer.
  - b. If the Student Conduct Officer determines that there is enough information to charge the student, he or she shall notify the student of the charges.
  - c. If the Student Conduct Officer determines that there is enough information to support a Code of Student Conduct violation but that the incident might better be addressed using conflict resolution options, he or she may defer disciplinary charges and attempt to resolve the incident in another way. This is only an option if both the accused student and the person filing the complaint agree to defer disciplinary proceedings. If the alternative dispute resolution option is successful, disciplinary charges shall be dismissed. If the alternative dispute resolution option is not successful, disciplinary charges shall be filed. Information disclosed during the alternative dispute resolution process cannot be used against a student if disciplinary charges are later filed.
  - d. If the Student Conduct Officer determines that he or she is unable to make a decision regarding a complaint because needed information is not available, the Student Conduct Officer shall recommend to the Director of Student Conduct or Chancellor's Designee that the disciplinary process be deferred. The Director of Student Conduct or Chancellor's Designee will make a decision on how the case should proceed, based on what it is in the best interest of the University community.
  - e. If the accused student fails to meet with the Student Conduct Officer for a Preliminary Review, the Student Conduct Officer shall determine whether or not there is enough information in the complaint to warrant Code of Student Conduct charges. If there is enough information, the Student Conduct Officer will charge the student with Code of Student Conduct violation(s).
2. The Student Conduct Officer conducting the Preliminary Review shall inform the accused student and the complaint party of the outcome of the Preliminary Review in writing and let each party know his/her options for resolution:
  - a. If the accused student agrees to accept responsibility for the violation(s) and accepts the recommended disciplinary sanction, a disciplinary agreement will be prepared. The disciplinary agreement shall constitute an acceptance of the finding and sanction(s), as well as a waiver of the student's right to a University Hearing, Disciplinary Conference, and appeal.
  - b. If the accused student accepts responsibility for the violation(s) but does not agree with the recommended sanction(s), the Student Conduct Officer shall make a decision regarding responsibility and sanction and the accused student may appeal the sanction to the Campus Appeals Committee.
  - c. If the accused student does not accept responsibility for the charges the case shall be referred for a Disciplinary Conference or a University Hearing-the default option is a hearing. The accused student shall have the choice to have the matter resolved at either a Disciplinary Conference or before a University

Hearing Board. The complaint party shall also be consulted. The case can only be heard at a Disciplinary Conference if the complaint party agrees.

- d. If the accused student does not meet with the Student Conduct Officer and does not respond to the charges, the case will be decided at a Disciplinary Conference, provided the complaint party also agrees to the Disciplinary Conference.

#### D. University Hearing Procedures

1. The University Hearing Board is the formal disciplinary body at the University charged with hearing allegations of Code of Student Conduct violations. The purpose of the University Hearing Board is to provide the University community with a forum to review and address student misconduct. The University Hearing Board determines the relevant facts related to the incident and makes an informed decision regarding whether or not a student violated the Code of Student Conduct. Board members shall have the authority to question witnesses, the accused student (if he or she chooses to speak), and any complaint party in an effort to determine the facts of an incident.
2. Hearings shall be closed to the public, unless one party requests an open hearing and there are no objections to the hearing being opened to the public from all other parties involved. Parties who may object to an open hearing include the responding student or the complaint party/complaint initiator.
3. A recording of the hearing shall be made. Deliberations are not recorded. This recording shall be preserved in the student's disciplinary file. If a recording is not made for some reason, the decision of the Hearing Board shall include a summary of information presented that is sufficient to permit review by the Senior Student Affairs Officer and Appeals Committee.
4. For incidents involving more than one accused student, the Director of Student Conduct or Chancellor's Designee shall determine whether there shall be one hearing or separate hearings for the students involved. Any accused student may petition the Director of Student Conduct or Chancellor's Designee for a separate hearing, providing appropriate information to show that a combined hearing would be prejudicial for him or her. The decision of the Director of Student Conduct or Chancellor's Designee is final.
5. A trained University community member shall serve as the Hearing Officer. The role of the Hearing Officer is to maintain order, interpret policy and procedures, and insure a fair hearing process.

Hearing Officers shall:

- a. Conduct the hearing.
  - b. Exclude anyone from the process who is disruptive.
  - c. Summon witnesses upon the request of any party at the hearing.
  - d. Make rulings on information provided at the hearing. Hearing Officers shall respect the rules of confidentiality and privilege, but shall admit any other information into the record that reasonable persons would accept as valuable.
  - e. Insure procedures are being followed. This includes making sure student and complaint party rights are addressed and that protections provided under NJ law (e.g., Rape Shield Law) are provided.
6. The accused student and/or complaint party may request that a specific member of the University Hearing Board or the Hearing Officer be excluded from the hearing for cause. This request shall be made in writing to the Director of Student Conduct or Chancellor's Designee at least three working days before the hearing. The final decision on that request will be made by the Director of Student Conduct or

Chancellor's Designee. The Director of Student Conduct or Chancellor's Designee will determine whether the information presented is appropriate grounds to excuse a board member from the hearing. If a board member is excused, the Director of Student Conduct or Chancellor's Designee shall select a replacement from the Hearing Board membership.

7. Accused students and complaint parties shall be notified at least ten working days prior to the hearing. This notification shall include the charges, the names of the Hearing Officer and Hearing Board members for the case in question, the time, date, and location of the hearing, the names of people attending the hearing as witnesses, and a list of the names and addresses of University-trained Campus Advisers. Each party will also be instructed to supply the Director of Student Conduct or Chancellor's Designee with additional witness information and any supporting documents he or she is submitting at least five working days before the hearing. Parties shall also be given information regarding access to the case file. The case file shall contain the Preliminary Review report, the complaint filed, and any additional information provided by parties during the Preliminary Review. If a hearing needs to be adjourned and continued on another day, the Hearing Officer shall determine when the hearing is reconvened. The hearing may be reconvened without 10 days notice.
8. Parties may request a hearing postponement for good cause to the Hearing Officer at least five working days in advance of the hearing. Except in emergency situations, no request for a postponement shall be considered when received less than five working days before the hearing. The Hearing Officer will determine whether the request meets the criteria for "good cause" and his or her decision is final.
9. Both complaint parties and accused students may be assisted by both a Campus Adviser and a support person at the hearing. Campus Advisers and support persons are not permitted to speak to the Hearing Board or Hearing Officer or to participate directly in the process. No form of direct representation shall be permitted, except in cases where assistance is required based on a documented disability or where English is a second language and a translator is needed.
10. At the beginning of each hearing, the Hearing Officer will outline the procedures to be utilized during the hearing. The accused student(s) shall then be asked to respond to each alleged violation of University regulations by stating one of the following:

Responsible for violating the University regulation.

Not Responsible for violating the University regulation.

If the accused student fails to appear for the hearing, the Hearing Officer shall enter a plea of not responsible on behalf of the student.

11. The hearing will begin with the Student Conduct Officer who conducted the Preliminary Review answering questions about the Preliminary Review report. The Hearing Officer will then ask the complaint party to give a narrative account of what happened, followed by witnesses in support of the complaint. The accused student is then given the opportunity to provide a narrative to the Hearing Board and can then provide witnesses to support his or her interpretation of the incident.
12. Witnesses shall be called in support of the complaint and by the accused student. Both parties shall have the right to question witnesses once the Hearing Board and Hearing Officer have an opportunity to ask questions. Witnesses are excluded from the hearing during testimony from other witnesses. If a victim chooses to participate as a witness and not as a complaint party, he or she shall present information first and then may remain in the room for the rest of the hearing. All witnesses shall be asked to affirm that all information they are providing is truthful. If a witness cannot attend the hearing for some reason, he or she may participate by telephone. Witnesses for both parties may also provide information to the Hearing Board in the

form of a signed statement. The witness statement shall be witnessed by a Student Conduct Officer, Dean of Students, or notary. Witness statements may only be used for the purpose of supplementing or explaining other information. Written statements alone shall not be sufficient to support a finding.

13. Accused student(s) are presumed to be not responsible for violations. Responsibility must be established by a preponderance of evidence. This standard requires that the Hearing Board must be persuaded that it is more likely than not that the allegations brought against the accused student are true.
14. At the end of the hearing, the Hearing Board shall retire to closed deliberations. The board decision shall be made by majority decision and no board member may abstain. The Hearing Officer will reconvene all parties to have Hearing Board questions answered on the record. Once a decision is reached by the Hearing Board, the Hearing Officer will meet with the Hearing Board in closed session to receive its decision and rationale. The Hearing Officer is not present during Hearing Board deliberations.
15. The Hearing Board's decision shall be read by the Hearing Officer to the accused student and complaint party in a reconvened hearing and a copy of the decision shall be provided to the accused student and complaint party. The Hearing Board's decision shall be supported with a brief written summary of the finding of fact that led to its conclusion. The written summary shall become a part of the case file.
16. Any determination of responsibility shall immediately be followed by a proceeding to determine disciplinary sanctions. The accused student and the complaint party shall be given opportunities to make statements regarding sanctions. The accused student may present character witnesses or statements and the complaint party may submit a statement of impact. The referring Student Conduct Officer shall offer his or her sanction recommendation and the past disciplinary record of the accused student shall be supplied to the board. The board shall then retire to closed proceedings to determine a recommended sanction. The recommended sanction shall be by majority vote and no board member shall abstain. The Hearing Officer shall confirm the sanction and send a decision letter to the both parties, including how to appeal the decision and/or the sanction.

#### E. Disciplinary Conference Procedures

1. A Disciplinary Conference is an informal hearing between an accused student and a Student Conduct Officer. The Student Conduct Officer is assigned by the Director of Student Conduct or Chancellor's Designee. The accused student maintains his or her rights as established in Section V. If there is a complaint party present, he or she also maintains his or her rights as established in Section VI.
2. The Student Conduct Officer shall make sure that both parties receive a fair hearing and shall exercise control over the process to make sure procedures are followed.
3. The accused student and complaint party (if there is one) shall receive written notice of the charges and the date, time, and location of the Disciplinary Conference at least five working days before the conference. The letter shall also include how each party can access the case file before the Disciplinary Conference.
4. A recording of the Disciplinary Conference shall ordinarily be made and shall be preserved in the student's disciplinary file. If a recording of the Disciplinary Conference is not made, the decision of the Student Conduct Officer must include a summary of the testimony that shall be sufficient to be reviewed by the Appeals Committee and Senior Student Affairs Officer.



5. At the beginning of each Disciplinary Conference, the Student Conduct Officer will outline the Disciplinary Conference procedures. The accused student(s) shall then be asked to respond to each alleged violation of University regulations by stating one of the following:

Responsible for violating the University regulation.  
Not Responsible for violating the University regulation.

If the accused student fails to appear for the conference, the Student Conduct Officer shall enter a plea of not responsible on behalf of the student.

6. Each party shall be given the opportunity to present information to the Student Conduct Officer, who shall question all parties and any witnesses called. Each party shall also have the opportunity to pose questions, once the Student Conduct Officer has asked questions.
7. Once information is presented and questions have been asked, the Student Conduct Officer shall move to closed proceedings to deliberate on the decision and the sanction. The accused student is presumed to be not responsible. Responsibility is established by a preponderance of evidence. This requires that the Student Conduct Officer must be persuaded that it is more likely than not that the allegations brought against the accused student are true.
8. The Student Conduct Officer can assign any sanction outlined in Section IX.
9. The Student Conduct Officer shall provide both the accused student and complaint party with written notice of the decision within a reasonable time after the Disciplinary Conference. A copy of the decision letter shall also be sent to the Director of Student Conduct. This decision letter needs to include information on how to appeal the decision.

#### F. Appeals Procedures

1. Sanction only appeals-sanction not including suspension or expulsion

Any accused student who accepts responsibility for a Code of Student Conduct violation but disagrees with the sanction imposed maintains the right to have his or her sanction reviewed by the Campus Appeals Committee. The student has 10 working days from the date of his or her decision letter to submit a sanction appeal to the Director of Student Conduct or Chancellor's Designee (RBHS, Rutgers University-Camden, or Rutgers University-Newark). The Director of Student Conduct or Chancellor's Designee will then transmit the appeal to the appropriate Campus Appeals Committee. Failure to submit an appeal by the appropriate deadline will render the decision final and conclude the process.

The Campus Appeals Committee will review all information and make one of the following decisions not involving suspension or expulsion:

- a. Affirm the sanction originally determined.
- b. Modify the sanction.

A decision letter is then sent to the student by the Director of Student Conduct or Chancellor's designee. If the sanction is upheld, the case is concluded. If the sanction is reduced, the student is given new sanction instructions and the case is concluded.

2. Sanction only appeals-sanction includes suspension or expulsion

Any student who accepts responsibility for a Code of Student Conduct violation but disagrees with the sanction imposed maintains the right to have his or her sanction reviewed by the Campus Appeals Committee. The student has 10 working days from the date of his or her decision letter to submit a sanction appeal to the Director of Student Conduct (Rutgers University-New Brunswick) or Chancellor's Designee (RBHS, Rutgers University-Camden or Rutgers University-Newark). The Director of Student Conduct or Chancellor's Designee will then transmit the appeal to the appropriate Campus Appeals Committee. Failure to submit an appeal by the appropriate deadline will render the decision final and conclude the process.

The Campus Appeals Committee will review all information and make one of the following recommendations to the Senior Student Affairs Officer:

- a. Affirm the sanction originally determined.
- b. Modify the sanction.

The Senior Student Affairs Officer reviews the information from the student and Campus Appeals Committee and renders a decision. A decision letter is then sent to the student by the Senior Student Affairs Officer, explaining the decision. If the sanction is upheld, the case is concluded. If the sanction is reduced, the student is given new sanction instructions and the case is concluded.

3. Appeals of decision and sanction

Any responding student found responsible by a University Hearing Board, Administrative Hearing Officer, or a Student Conduct Officer and any complaint party (for a violation involving assault, relationship violence, harassment, sexual assault, invasion of privacy, stalking and hazing) is given one appeal of the finding and/or sanction to the Campus Appeals Committee. Students and complaint parties will be given 10 working days from the date of their decision letter to submit their appeal. Appeals are to be submitted to the Director of Student Conduct or Chancellor's Designee, who will transmit the appeal to the appropriate Campus Appeals Committee. Failure to submit an appeal by the appropriate deadline will render the decision final and conclude the process.

Accused students and complaint parties can appeal on the following grounds:

- a. Unsupported Conclusion: The decision made by the Conduct Officer or University Hearing Board is not supported by the facts of the case.
- b. Procedural Error: The hearing or Disciplinary Conference was conducted unfairly and not in conformity with prescribed procedures. The error committed must be determined to have substantially impacted the fairness of the disciplinary process.
- c. Disproportionate Sanction: The sanction imposed against the student was not appropriate for the offense committed.
- d. New Information: There is new information available that wasn't available at the time of the hearing/Disciplinary Conference and that is sufficient to alter the original decision.

The Campus Appeals Committee will review all information and make one of the following recommendations to the Senior Student Affairs Officer:

- a. Affirm the finding and sanction originally determined.
- b. Affirm the finding and modify the sanction.
- c. Remand the case for a new hearing or Disciplinary Conference.

Campus Appeals Committee recommendations are forwarded to the Senior Student Affairs Officer for review. The Senior Student Affairs Officer makes the final decision regarding the student's appeal. A decision letter is then sent to the student from the Senior Student Affairs Officer no more than ten working days after the appeal. If the hearing or Disciplinary Conference decision is upheld, the case is concluded. If the sanction is reduced, the student is given new sanction instructions and the case is concluded. If the case is remanded back for a new hearing or Disciplinary Conference, the student is given instructions on the next steps in the process.

The Campus Appeals Committee, Director of Student Conduct, or Chancellor's designee may solicit written clarification on any issue raised on appeal from the Hearing Officer assigned to the case, the Student Conduct Officer who conducted the Preliminary Review, the complaint party, or the accused student.

In preparation of an appeal, the accused student and complaint party may have access to the recording of the disciplinary proceeding.

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

- a. Sanctions should only be recommended for change if they are found to be clearly disproportionate to the gravity of the violation, precedent for similar offenses, and/or the accused student's prior disciplinary record.
  - b. Cases should only be recommended for remand for a new hearing or Disciplinary Conference if specified procedural errors were so substantial they effectively denied the accused student or the complaint party a fair hearing.
4. The imposition of sanctions will normally be deferred during any appellate process and the status of the student shall not change until all avenues of appeal have been exhausted, except that a hold may be put on the student's transcript and no degree will be awarded to the student pending completion of the appeals process. Interim actions may also be taken while the case is going through the appeals process to protect a complaint party or complaint initiator.
  5. Once all appeals have been exhausted, it shall be the responsibility of the Director of Student Conduct (Rutgers-University-New Brunswick) or Chancellor's designee (RBHS, Rutgers University-Camden or Rutgers University-Newark) to oversee the implementation of imposed sanctions. Where permitted by state and federal laws, the Director of Student Conduct or Chancellor's Designee may notify the victim of an act of student misconduct of any sanction imposed.

#### **XI. DISCIPLINARY PROCEDURES – TITLE IX GRIEVANCE PROCEDURES (SEXUAL VIOLENCE, SEXUAL HARASSMENT, STALKING, AND RELATIONSHIP VIOLENCE)**

Title IX of the Education Amendments of 1972 (Title IX), and its regulation, prohibit discrimination on the basis of sex and/or gender in education programs and activities operated by recipients of Federal financial assistance. Sexual harassment that creates a hostile environment, including sexual assault and sexual violence, is a form of discrimination prohibited by Title IX. The regulation implementing Title IX requires that recipients adopt and publish grievance procedures providing a prompt and equitable resolution of complaints that allege any action that would be prohibited by Title IX, including sexual harassment, sexual assault and sexual violence. Similarly, the Violence Against Women Reauthorization Act of 2013 (VAWA) requires prompt, fair and impartial investigation and resolution of allegations of stalking, dating violence and domestic violence.

To comply with the requirements of Title IX and VAWA, the University has developed grievance procedures that provide for prompt, fair, equitable and impartial investigation and resolution of allegations of sexual harassment, sexual violence, relationship violence and stalking. These procedures, known as the Title IX Grievance Procedures, will apply to all University students system-wide. The full Title IX Grievance Procedures can be found on the student conduct website (<http://studentconduct.rutgers.edu>) and on the Office of Student Affairs Compliance Title IX website (<http://compliance.rutgers.edu/Title-ix>).

**XII. DISCIPLINARY PROCEDURES – ACADEMIC INTEGRITY (not including RBHS)**

Disciplinary procedures for academic integrity cases are found in the Academic Integrity Policy, 10.2.13. Please consult the Academic Integrity website (<http://academicintegrity.rutgers.edu>) or the Rutgers University Policy Library for specific procedures regarding academic integrity.

**XIII. DISCIPLINARY PROCEDURES – RUTGERS BIOMEDICAL AND HEALTH SCIENCES (RBHS)**

Disciplinary procedures for RBHS are found in the RBHS Students Rights, Responsibilities, and Disciplinary Procedures document. Please consult the RBHS website (<http://rbhs.rutgers.edu>) or the Rutgers University Policy Library for specific procedures regarding RBHS school procedures.

**XIV. DISCIPLINARY PROCEDURES – STUDENT ORGANIZATIONS**

Student organizations will be asked to account for behavior committed by organization members on behalf of the organization. Please consult the Office of Student Conduct website (<http://studentconduct.rutgers.edu>) for student organization conduct procedures and specific policies related to student organizations at Rutgers University.

**XV. DISCIPLINARY FILES (not including RBHS)**

- A. A student found responsible for violating the Code of Student Conduct or Academic Integrity Policy shall have a disciplinary file created in his or her name. University Records Retention Policy requires that disciplinary records be kept for ten years from the date of the letter providing notice of final disciplinary action. Disciplinary records may only be reported to third parties in accordance with University regulations and subject to the Family Educational Rights and Privacy Act of 1974.
- B. A student found not responsible for violating the Code of Student Conduct or Academic Integrity Policy shall have any records created in his or her name voided. Voided files shall be so marked, shall not be kept with active disciplinary records, and shall not leave any student with a disciplinary record. Voided files will be destroyed at the end of six years.
- C. After all the terms of a sanction have been fulfilled, disciplinary records may be voided by the Senior Student Affairs Officer (in conduct cases) or by the Chief Academic Officer (in academic integrity cases) for good cause. Students must submit a petition in writing to the Office of Student Conduct. Factors to be considered in reviews of such petitions shall include:
  - 1. The present conduct of the student;
  - 2. The conduct of the student subsequent to the violation; and
  - 3. The nature of the violation and the severity of any damage, injury, or harm resulting from it.
- D. A disciplinary hold may be placed on a student's University records by the Director of Student Conduct or Chancellor's Designee while disciplinary proceedings are pending or if sanctions are not completed by the deadline.

- E. Permanent notation of disciplinary action shall be made on the transcript whenever a student is expelled. Transcript notations of disciplinary action will also be made if a suspension is implemented. When the suspension has been completed, the notation will be removed.
- F. At no time will Rutgers University provide any information that divulges to the public the name, address, or other identifying personal information of anyone involved in the disciplinary process.

#### **XVI. CLEMENCY FOR EXPULSION (Not including RBHS)**

- A. Rutgers University has established standards of conduct for students, and imposes sanctions for violations of these standards in order to sustain the personal, educational, and social development of its students. The University expels students when the student's behavior is so egregious that the University concludes that his or her continued affiliation with the University is antithetical to the safety or interests of the University community.
- B. The University recognizes that, following a long separation from the University, people may change. Consequently, it is appropriate that the University consider granting clemency to expelled former students in circumstances where they are able to provide significant evidence of rehabilitation and a renewed commitment to the standards of conduct and scholarship expected of Rutgers students. For the purposes of this document, a petition for clemency is a procedure whereby the expelled individual requests the opportunity to complete her/his degree, and asks the University to consider new circumstances and facts that might alter the original sanction.

Individuals who have been expelled from the University may seek clemency under the following circumstances and conditions:

1. The individual must wait a minimum of five calendar years after the original expulsion before initiating a request for clemency. If the individual has taken classes elsewhere in the intervening period, those credits will not transfer towards the Rutgers degree.
2. The request for clemency must be made in writing to the Chancellor on each campus, hereafter referred to as the Clemency Officer. The written request should include appropriate documentation concerning the individual's status during the intervening years since the expulsion, any additional mitigating circumstances with appropriate documentation, and any additional information about character or change of behavior that may be appropriate. This documentation may include records pertaining to mental health status, employment, criminal or probation records, educational records, social service records, and letters of recommendation.

NOTE: A victim impact statement will be allowable if relevant. The Clemency Officer should arrange for its inclusion in the assembled documents.

3. Upon receipt of the request for clemency, the Clemency Officer may consult with whomever he or she wishes and may empower an advisory panel to advise him or her. The Clemency Officer or advisory panel will review the request for clemency and may conduct a personal interview with the individual and/or conduct other forms of inquiry as needed.
4. The Clemency Officer will make a recommendation to the President on clemency including specific conditions, if any, for admission/readmission.
5. The final decision (with any special conditions) will be made by the President and transmitted to the Clemency Officer on the campus from which the individual was expelled.
6. The decision of the President is final.
7. If clemency is granted, the individual will be readmitted to the University and to the school, program, or successor unit from which he or she was expelled (assuming he or she is academically qualified for reenrollment). If the individual wants to attend a

different academic unit within the University, he or she will be subject to the same requirements and approval processes as any current student. He or she will remain on Disciplinary Probation, noted on the transcript, until the degree is completed, at which time it will be removed as will the notation regarding the original expulsion. The individual must meet whatever graduation requirements are in place at the time of readmission. The President may impose additional conditions on the individual's readmission.

8. A record of the expulsion will remain in the student's disciplinary records maintained by the Office of Student Conduct, and is not subject to expunction.

## **XVII. STUDENT CONDUCT PROCESS VOLUNTEERS – UNIVERSITY HEARING BOARD AND CAMPUS APPEALS COMMITTEES**

- A. Each university shall recruit and train individuals to serve as Advisers, University Hearing Board members, and Campus Appeals Committee members. The Office of Student Conduct shall assist each university in providing training for each volunteer and will post the names of those working in the conduct process on the student conduct website.
- B. University Hearing Boards (not including RBHS)
  1. When a hearing is called, hearing board members are selected from a pool of community members recruited, selected, and trained by the Office of Student Conduct or Chancellor's Designee. Should a selected board member be unable to serve on the hearing, the Director of Student Conduct or Chancellor's Designee shall select a replacement from the Hearing Board membership.
    - a. In non-academic integrity hearings, two students and a one faculty or staff members is selected to serve on the board.
    - b. In academic integrity hearings, two students and one faculty members is selected to serve on the board.
- C. Campus Appeals Committees (not including RBHS)
  1. Appeals shall be referred to a Campus Appeals Committee on the responding student's campus.
    - a. In all non-academic integrity cases, the appeal shall be considered by a panel consisting of one faculty member, one administrator, and one student. If the accused student is an undergraduate student, the student member of the panel shall be an undergraduate student; if the accused student is a graduate student, the student member of the panel shall be a graduate student.
    - b. In academic integrity cases, the appeal shall be considered by a panel consisting of one faculty member and two students. If the accused student is a graduate student, at least one of the students on the panel shall be a graduate student.
    - c. In academic integrity cases informally addressed by a faculty member or an AIF, the appeal shall be considered by a panel consisting of two students, one faculty member, and one nonvoting staff member called the Staff Investigator.

## **XVIII. REVISIONS TO THE CODE OF STUDENT CONDUCT**

- A. The Committee on Student Conduct is a standing system-wide committee responsible for advising the Senior Student Affairs Officers on issues pertaining to student discipline. The duties of the Committee on Student Conduct shall include reviewing this Code and suggesting appropriate amendments or modifications.

- B. The Senior Student Affairs Officers system-wide shall annually appoint members of the Committee on Student Conduct. Members may be reappointed at the discretion of the Senior Student Affairs Officer on each campus. The Committee on Student Conduct shall include at least two undergraduate students and one graduate student.
  
- C. It will be the responsibility of the Vice Chancellor for Student Affairs at Rutgers University-New Brunswick to inform the University Senate, the President, and the Board of Governors of any substantive changes in the student disciplinary process recommended by the Committee on Student Conduct review. Substantive changes to the Code of Student Conduct must be approved by the President of the University.