

## UNIVERSITY POLICY

<b>Policy Name:</b>	Code of Student Conduct				
<b>Section #:</b>	10.2.11	<b>Section Title:</b>	Academic: Student Academic Regulations & Policies	<b>Formerly Book:</b>	4.2.7
<b>Approval Authority:</b>	Board of Governors	<b>Adopted:</b>	<u>07/07/1972</u>	<b>Reviewed:</b>	<u>12/17/2019</u> <u>08/14/2020 (as interim);</u> <u>12/17/2020</u>
<b>Responsible Executive:</b>	<u>Executive Senior-Vice President for Academic Affairs</u>	<b>Revised:</b>	Effective 7/1/2007; 5/28/2009 – Section 13b; 10/13/2009 – Section 67 & other administrative title changes; 4/15/2010 administrative title changes; unauthorized or undisclosed recording-added 10.(u) and 10.(aa) under Prohibited Conduct; and incorporated Academic Integrity policy (see Appendix I); 1/3/2011; ); 5/20/2011 (revisions are on file with the Office of the Secretary of the University); 7/1/2013; 9/1/2013 – complete rewrite of Code of Student Conduct (removed Appendix I: Academic Integrity Policy text-see separate policy 10.2.13); 12/9/2014; 10/14/2015; 10/7/2016; 4/6/2017; 7/18/2018; 12/17/2019; <u>08/14/2020 (implemented as interim); 12/17/2020</u>		
<b>Responsible Office:</b>	Office of Student Affairs, New Brunswick	<b>Contact:</b>	Office of Student Conduct: 848-932-9414, <a href="http://studentconduct.rutgers.edu">http://studentconduct.rutgers.edu</a> , Office of Student Affairs Compliance: 848-932-8200576, <a href="http://compliance.rutgers.edu">http://compliance.rutgers.edu</a>		

### 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

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All policies are subject to amendment. Please refer to the Rutgers University Policy Library website ([policies.rutgers.edu](http://policies.rutgers.edu)) for the official, most recent version.

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. Resources

- [University Policy 10.2.13: Rutgers University Academic Integrity Policy](#)
  - <http://academicintegrity.rutgers.edu/>
- [University Policy 10.2.12: Safety Intervention Policy](#)
- [University Policy 10.3.11: Communication to Students](#)
- ~~[University Policy 10.3.12: Student Policy Prohibiting Sexual Harassment, Sexual Violence, Relationship Violence, Stalking, and Related Misconduct](#)~~
- [University Policy 60.1.33: Title IX Policy and Grievance Procedures](#)
- [University Policy 30.1.9: Protection of Minors](#)
- [University Policy 50.3.5: Disruptions: Administrative Policy and Response](#)
- [Rutgers Biomedical and Health Sciences \(RBHS\) Policies](#)
- [RBHS Students Rights, Responsibilities, and Disciplinary Procedures](#)
- [Standards of Conduct for Student Organizations](#)
- Residence Life Policies:
  - [New Brunswick](#)
  - [Newark](#)
  - [Camden](#)
- [Ticket policy](#)

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- [Stop Hazing: Prevention Through Education](#)
- [Family Educational Rights and Privacy Act of 1974](#)

## 5. Definitions

Please note that definitions in this section relate to policies and procedures that are consistent universitywide (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 them.
- B. "Administration or staff" includes any person who currently holds a non-faculty appointment within the University.
- C. "Campus Advisor" is a member of the University community who has been trained to provide support and guidance to accused students and complaint parties.
- D. "Charge" is a determination that the University has reasonable suspicion that a student or student organization may have violated University policy.
- E. "Chief Conduct Officer" is the person (or people) on each campus who enforces the University Code of Student Conduct, oversees the processes for handling misconduct, and may develop procedures for administration of the conduct process.
- F. "Clemency Officer" is the Senior Student Affairs Officer, on the campus from which the student was expelled, who may be petitioned for clemency by the former student for the opportunity to complete their degree.
- G. "College" or "School" means any academic division at Rutgers University.
- H. "Complaint party" refers to anyone who has filed a report with the Office of Student Conduct/Community Standards alleging misconduct by a Rutgers University student.
- I. "Conduct Officer" refers to any University staff member or administrator with responsibility for investigating and adjudicating student conduct cases.
- J. "Faculty" includes any person who holds a current academic appointment within the University.
- K. "Institution" and "University" mean Rutgers, The State University of New Jersey.
- L. "Impact statement" is a description of the effect of a policy violation on an affected party; it may be submitted in writing or via audio or video recording.
- M. "Member of the University community" means any student, faculty, administrator, or employee at the University.

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- N. "Office of Student Conduct" or "Office of Community Standards" refer to the offices that handle the conduct process at Rutgers University–Camden, Rutgers University–Newark, and Rutgers University–New Brunswick.
- O. "Preponderance of Information/Evidence" refers to the standard of proof required in adjudicating non-academic cases. This standard requires that the finder of fact must be persuaded that it is more likely than not that the allegations brought against the accused student are true. Refer to ~~the~~ University Policy 10.2.13: Academic Integrity Policy for information about the standard of proof used in academic integrity cases.
- P. "Senior Student Affairs Officer" refers to the officer in the Division of Student Affairs (or their designee), who oversees the Office of Student Conduct/Community Standards on each campus.
- Q. "Student" is any person for whom the University maintains educational records, and who has not yet been awarded a degree from the University at the time of the alleged violation as defined by the Family Educational Rights and Privacy Act of 1974 and related regulations. The term student may also include any person who is a non-matriculating student at the time of the alleged violation.
- R. "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, or who are advised by a University department or University employee.
- S. "Support person" is the person or persons asked by the accused student or complaint party to provide support and assistance during the disciplinary process. A support person cannot represent the student during any proceeding and cannot address a Hearing Board, Presiding Officer, or Conduct Officer unless granted permission by the Presiding Officer or Conduct Officer.
- T. "University premises" includes buildings or grounds owned, leased, operated, controlled, or supervised by the University.
- U. "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.
- V. "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."
- W. "Written Notice" is delivery of mail to a student's local, permanent, or email address. Students are responsible for checking any/all email addresses connected to their NetID. Students have the responsibility for providing the University with current addresses, e-mail addresses, and phone numbers.

## 6. The Policy

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### II. PREAMBLE

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

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

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

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

### III. JURISDICTION AND AUTHORITY

#### A. The University Code of Student Conduct

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

With the exception of undergraduate students in the Ernest Mario School of Pharmacy and the School of Nursing, Rutgers Biomedical and Health Sciences ("RBHS") student behavior is not regulated under the University Code of Student Conduct. RBHS guidelines regarding academic integrity, non-academic misconduct, and disciplinary procedures 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 information regarding RBHS school procedures.

#### B. The Rutgers University Academic Integrity Policy

This policy is used to address allegations of student academic misconduct. Please refer to [University Policy 10.2.13: Rutgers University Academic Integrity Policy](#) for specific information regarding what would constitute a violation of this policy.

#### C. ~~The Title IX Policy and Grievance Procedures Student Policy Prohibiting Sexual Harassment, Sexual Violence, Relationship Violence, Stalking and Related Misconduct~~

~~This policy is used to address allegations of sexual harassment, sexual assault, dating violence, domestic violence, and stalking, as defined by the regulations implementing Title IX of the Education Amendments of 1972 (Title IX). , sexual assault, relationship violence, stalking, and other gender-based discrimination in which a Rutgers student is the perpetrator. Descriptions of violations and procedures for addressing these violations are described in [University Policy 60.1.33: Title IX Policy and Grievance Procedures. University Policy 10.3.12: Student Policy Prohibiting Sexual Harassment, Sexual Violence, Relationship Violence, Stalking and Related Misconduct.](#)~~

#### D. Professional/Academic Programs

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.

E. Student Organizations

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

F. Criminal and Civil Court Cases

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.

G. Residence Life

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

H. Electronic Content

The Code may be applied to conduct online and via email or other electronic media. Students and student organizations should be aware that online media such as blogs, websites, chats, and social networking sites are in the public sphere and are not private. \_Online media that indicate possible misconduct may subject a student and/or student organization to disciplinary action.

I. University Interest

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

1. Constitutes a violation of local, state, or federal law;
2. Indicates that the student or student organization may present a danger or threat to the health or safety of themselves or others;
3. Impinges upon the rights, property, or achievements of others or significantly breaches the peace and/or causes social disorder; or
4. Is detrimental to the educational interests of the University.

Any on or off campus behavior that adversely affects a University interest and/or violates the Code of Student Conduct is subject to conduct action following standard University procedures.

J. Interim Action

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

#### **IV. CRIMINAL AND CIVIL PROCEEDINGS AND THE UNIVERSITY CODE OF STUDENT CONDUCT**

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 Chief Conduct Officer (or their designee), on each campus. \_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. RIGHTS OF THE COMPLAINT PARTY AND THE ACCUSED STUDENT**

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

- A. To be treated with dignity by all persons involved in the disciplinary process.
- B. To equal access to information, evidence, and University resources, including information pertaining to counseling services.
- C. To a fair disciplinary process.
- D. To information about this Code.
- E. To participate or to decline to participate in the disciplinary process.
- F. To have a Campus Advisor and support person present at all meetings and disciplinary proceedings. \_Campus Advisor/support person availability is not sufficient grounds for postponing a meeting, or disciplinary proceeding.
- G. To written notice of all meetings and disciplinary proceedings, including the time and place.
- H. To present information and/or witnesses on their behalf during the disciplinary process. \_The relevance of witnesses shall be determined by the Conduct Officer or by the Presiding Officer.
- I. To choose to withhold information or testimony if the student feels information presented will lead to self-incrimination. \_Students are expected to fully cooperate with and participate in the University disciplinary system when notified, but no negative inference will be made should a student choose not to speak.
- J. To hear and respond to all information presented against them.



- K. To one written copy, upon request, of the report stating the circumstances and allegations involved. This information will be made available after a student is notified of charges.
- L. To notice of the charges, including what prohibited conduct is at issue.
- M. To submit written materials relevant to the sanction decision, which may include written impact statements.
- N. To have complaints of intimidation, harassment, bullying, or any other form of retaliation addressed by the Office of Student Conduct/Community Standards.
- O. To written notification of the case resolution, including any sanctions imposed.
- P. To be informed of their right to appeal and of the process for doing so (applies only to accused students).
- Q. To written notification of the outcome of any appeal.
- R. To privacy throughout the investigation and disciplinary process. The Office of Student Conduct/Community Standards will not release information about a case unless legally bound.
- S. To understand that information collected in the process may be subpoenaed in criminal or civil proceedings.
- T. To have reasonable steps taken to prevent any unnecessary or unwanted contact with the other party or parties during the investigation and disciplinary process.

## VI. RULES AND REGULATIONS

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

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

- A. Aiding, enabling, or assisting any person in committing any violation of this Code.
- B. Violations of the Rutgers University Academic Integrity Policy.

Please refer to [University Policy 10.2.13: Rutgers University Academic Integrity Policy](#) for specific information regarding what would constitute a violation of this policy.

- C. Violations of the ~~Title IX Policy and Grievance Procedures Student Policy Prohibiting Sexual Harassment, Sexual Violence, Stalking, and Related Misconduct.~~

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D. Acts of dishonesty:

1. Forgery, unauthorized alteration, or unauthorized use of any University documents or records, or any instrument or form of identification, or access credentials. This includes, but is not limited to, transfer of a Rutgers University Identification Card ("RU ID"), and misuse or transfer of a residence hall key or access card.
2. Intentionally furnishing false information to the University.
3. Intentionally furnishing false information to persons outside the University concerning the student's academic record, degree, or activities.
4. Intentionally initiating or causing to be initiated any false report, warning, or threat of fire, explosion, or other emergency.
5. Unauthorized entry into, use of, or misuse of University property, including computers and data and voice communication networks.
6. Possessing or selling false identification, including RU IDs.
7. Unauthorized sale or re-sale of University event tickets or tickets provided through sponsored events/programs funded by University student fees, or the sale of such tickets above face value.

E. Safety violations:

1. Intentionally or recklessly starting a fire (does not include University approved programs including fire, e.g., bonfires).
2. Misusing fire safety equipment or elevators.
3. Intentionally or recklessly endangering the welfare of any individual.
4. Intentionally or recklessly obstructing fire, police, or emergency services.
5. Using, possessing, or storing dangerous chemicals, 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 pepper spray is permitted.
6. Using, possessing, or storing of any object classified as a weapon by the State of New Jersey on University property or illegally possessing a weapon on off-campus property. Law enforcement officials who are authorized by law to carry firearms are excluded from this definition.
7. Utilizing any instrument in a manner that endangers or tends to endanger any person.
8. Obstructing the free flow of pedestrian or vehicular traffic on or adjacent to University premises or at University events.
9. Failing to comply with the reasonable and lawful directions of University officials and/or University police, including but not limited to, instructions to produce identification.

F. Physical misconduct:

1. Inflicting bodily harm upon any person or animal.
2. Using or threatening to use force against a person or animal.

G. Sexual misconduct outside the scope of the Title IX Policy and Grievance Procedures:<sup>1</sup>

1. Gender-based harassment, which refers to acts of aggression, intimidation, stalking, or hostility based on gender, gender identity, or gender-stereotyping. Gender-based harassment can occur if students are harassed either for exhibiting what is perceived as a stereotypical characteristic of their sex, or for failing to conform to stereotypical notions of masculinity or femininity. To constitute harassment, the conduct must unreasonably interfere with an individual's education or academic activities or create an intimidating, hostile, demeaning, or offensive academic or living environment.

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<sup>1</sup> The informal resolution, investigation, and hearing procedures set forth in University Policy 60.1.33: Title IX Policy and Grievance Procedures, will be used to address these violations.

2. “Quid pro quo” sexual harassment, which refers to unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct, or communication of a sexual nature, including through electronic or social media platforms, when:
  - submission to such conduct is made either explicitly or implicitly a term or condition of an individual's education, educational or campus life activities; or
  - submission to or rejection of such conduct by an individual is used as the basis for academic or student life decisions affecting that individual.
3. Sexual exploitation, which refers to non-consensual abuse or exploitation of another person's sexuality for the purpose of sexual gratification, financial gain, personal benefit or advantage, or any other non-legitimate purpose. Examples of sexual exploitation include, but are not limited to:
  - observing another individual's nudity or sexual activity or allowing another to observe nudity or sexual activity without the knowledge and consent of all participants;
  - non-consensual streaming of images, photography, video or audio recording of sexual activity or nudity, or distribution of such without the knowledge and consent of all participants;
  - exposing one's genitals in non-consensual circumstances; or
  - inducing incapacitation for the purpose of making another person vulnerable to non-consensual sexual activity.; or
  - Knowingly exposing another person to a sexually transmitted infection or virus without the other's knowledge.
4. Sexual intimidation, which refers to threatening behavior of a sexual nature directed at another person or group that reasonably leads the target(s) to fear for their physical well-being or to engage in sexual conduct for self-protection, such as threatening to sexually assault another person or engaging in indecent exposure.
5. Stealthing, which refers to intentionally removing, damaging, or lying about use of a prophylactic or contraceptive device (e.g. condom, female condom, other forms of birth control) when consent has only been given for protected sexual activity.
6. Sexual harassment, sexual assault, dating violence, domestic violence, or stalking, as defined by the Title IX Policy and Grievance Procedures, that occur against a person outside the United States, or outside the scope of an education program or activity as defined by Title IX, but within the jurisdiction of this Code of Student Conduct.

G-H. Bullying, intimidation, and harassment:

1. Making any communication to another person in any manner likely to cause alarm, including through electronic or social media platforms.
2. Subjecting or threatening to subject another person or animal to striking, kicking, shoving, or offensive touching.
3. Threatening to reveal or releasing personal information or media about a

person electronically or through other means of communication.

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

In order to constitute bullying, intimidation, and/or harassment, a person's behavior must 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.

H.I. Child abuse:

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

I.J. 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.

J.K. Hazing:

1. 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.
2. 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.

K.L. Invasion of privacy:

1. Making, attempting to make, live streaming, transmitting, or attempting to transmit audio, video, or images of any person(s) on or off University premises in bathrooms, showers, bedrooms, common areas of suites or apartments, medical examination rooms, training rooms, 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 and/or transmissions.
2. Viewing any person(s) on or off University premises in bathrooms, showers,

bedrooms, common areas of suites or apartments, medical examination rooms, training rooms, 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.

~~L-M.~~ Theft or damage to property:

1. Taking or attempting to take University, public, or private property without the consent of the owner or person legally responsible for that property.
2. Obtaining University services through devious means.
3. Knowingly possessing University, public, or private property without the consent of the owner or person legally responsible for that property.
4. Intentionally or recklessly damaging University, public, or private property.

~~M-N.~~ Use or possession of alcohol, narcotics, or other drugs:

1. Possessing or consuming alcohol by persons under the legal drinking age in New Jersey.
2. Possessing alcohol in areas on campus where alcohol is not permitted.
3. Unlawfully possessing or using drugs, narcotics, controlled substances, or paraphernalia.\*\*
4. Misusing or misappropriating any prescription, over-the-counter medication, or legal substance.\*\*
5. Possessing or using medical marijuana on any Rutgers University property.
6. Driving under the influence of alcohol and/or other drugs.

\*\*The University strongly encourages students to call a University official and/or medical professional for medical assistance for themselves or for community members who are dangerously under the influence of alcohol or other drugs. Normally, students seeking medical treatment for the effects of drug or alcohol use will not be subject to University discipline for violations pertaining to drug or alcohol possession/use as outlined in this Code.

Medical Amnesty will be granted to both the intoxicated student and to the student seeking medical assistance for the intoxicated student, under the following conditions:

1. Both the intoxicated student and the reporting student will be required to meet with their respective campus' Office of Student Conduct/Community Standards to provide a detailed account of the events leading to the need for assistance.

2. Involved students may be required to participate in an educational program related to drugs or alcohol. \_Failure to participate in a required educational program may result in charges under this Code.\_ Medical Amnesty does not apply to disciplinary action relating to any other code violation including, but not limited to, assault, property damage, or prohibited distribution of substances. \_ Medical Amnesty does not apply to student organizations.

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

~~N.O.~~ \_\_\_\_\_ Distribution of alcohol, narcotics, or other drugs:

1. Selling, transferring, giving away, or exchanging something in return for narcotics, prescription medications, or other illegal substances.
2. Providing or facilitating the consumption of alcohol by any person without taking reasonable and prudent precautions to ensure that the person is of legal drinking age in New Jersey.
3. Sharing medical marijuana with any individual who does not have a medical marijuana prescription.

~~O.P.~~ \_\_\_\_\_ Disruption:

1. Intentionally or recklessly interfering with any University activity or University sponsored activity.
2. Disrupting or obstructing an academic class or lecture, an administrative or support function, or official University business.
3. Engaging in classroom conduct that is prohibited by the faculty member or is 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, place, and manner restrictions placed upon the same by the University.

~~P.Q.~~ \_\_\_\_\_ Disorderly conduct:

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

~~Q.R.~~ \_\_\_\_\_ Undisclosed recording:

Recording, live streaming, or transmitting images, audio, or video of private, non-public conversations and/or meetings on University premises without the knowledge and consent of all participants. \_This may include recording instructors without consent. \_Students must consult with instructors for guidance on their

recording policies. \_This provision does not extend to the recording of public events or discussions, to recordings made for law enforcement purposes, or to any registered disability accommodation.

~~R.S.~~\_\_\_\_\_Violations of other published University regulations or policies.

~~S.T.~~Engaging in behavior that violates a University interest (as defined in Part III, "Jurisdiction and Authority," Section I).

~~T.U.~~\_\_\_\_\_Abuse of the disciplinary system:

1. Knowingly providing false testimony or evidence at a disciplinary proceeding.
2. Disrupting or interfering with the conduct process.
3. Failing to complete imposed sanctions.
4. Refusing to provide information at a disciplinary proceeding. \_Students are expected to fully cooperate with and participate in the University disciplinary system when notified. \_A student may choose to withhold information or testimony if the student feels information presented will lead to self-incrimination.
5. Harassing or intimidating any participant in the disciplinary process.

## **VII. INTERIM ACTION**

A. Interim Suspension:

1. In certain circumstances, the Senior Student Affairs Officer (or their 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 (or their designee) determines there is a reasonable basis to conclude that the continued presence of the student at the University presents an acute and immediate threat to themselves, to others at the institution, or to University property.
2. During an Interim Suspension, the student shall be denied access to University premises (including classes) and to all University activities or privileges for which the student might otherwise be eligible.
3. It is the right of the student issued an Interim Suspension to meet with the Senior Student Affairs Officer (or their designee). \_ This meeting must occur within two (2) working days of the student's request to meet. \_ The meeting should include discussion of the following issues only:
  - a. the reliability of the information concerning the student's alleged



misconduct, including the matter of their identity.

- b. whether the alleged conduct and surrounding circumstances reasonably indicate that the continued presence of the student on University premises poses a substantial and immediate threat to themselves, to others, or to University property.

4. \_\_\_\_\_ The Senior Student Affairs Officer (or their designee) 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 participate in an Investigation. \_ If applicable, the appropriate disciplinary proceeding will then be scheduled at the earliest possible time.

- B. In certain circumstances, the Senior Student Affairs Officer (or their designee) may impose other interim restrictions on a student prior to the conduct of University disciplinary proceedings. \_ Such restrictions may include, but are not limited to, a residence hall suspension, termination of housing contract, or mandated room reassignment. \_ These restrictions shall be enacted when the Senior Student Affairs Officer (or their designee) determines there is a reasonable basis to conclude that the student presents a substantial and immediate threat to themselves, to others, or to University property if the student is allowed access to the resource being restricted.
- C. Under certain circumstances when it is impossible for a student to address a disciplinary issue, and the incident in question does not require an Interim Suspension, the University may grant the student a disciplinary withdrawal. \_ The decision to grant a disciplinary withdrawal will be made by the Senior Student Affairs Officer (or their designee), in consultation with the Chief Conduct Officer on the student's campus. \_ The student shall be permitted to withdraw from classes and a disciplinary hold will be placed on the student's registration and transcript. The student will not be permitted to return to Rutgers University until the disciplinary matter has been resolved.
- D. For additional relevant considerations and actions, please see [University Policy 10.2.12: Safety Intervention Policy](#).

## VIII. 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 their 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:
  1. The nature of the offense.
  2. The precedent established by previous sanctions.
  3. The previous disciplinary history of the student.
  4. Aggravating or mitigating circumstances.
  5. The developmental needs of the student.
  6. The safety and well-being of the community.
- B. Sanctions typically include two components:

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1. An “inactive sanction” or official University sanction (Reprimand, Probation, Disciplinary Suspension, Expulsion or loss of University housing)
2. An “active sanction” requiring the student to complete some form of service or assignment.

C. Inactive Sanctions:

1. Reprimand

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

2. Probation

Probation is a notice to a student that their actions are of such a serious nature that they may jeopardize their status as a student. The University shall refrain from suspending the student at this time, 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 may result in Disciplinary Suspension with the possibility of additional sanctions.

There are two types of Probation:

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

3. Disciplinary Suspension

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

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

- a. Term: 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).

- b. Conditional: A conditional suspension requires that the student meet certain requirements before they can return to the University community. The conditional suspension shall continue until the Conduct Officer determines that the conditions have been satisfied. When the term is complete and all conditions have been met, the student may return to the University community as a student (if the student meets the academic requirements of the program of study). 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.

4. Expulsion

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

5. Loss of University Housing

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

D. Active Sanctions:

1. Restitution

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

2. Fines

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

3. Restorative

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

- a. Service Hours – Service to the University or local community to be completed by a specified date. Locations and projects for completion of educational service must be approved by the Conduct Officer.
- b. Alternative Resolution – Students may be sanctioned to nontraditional means of conflict resolution. These sanctions may vary from case to case and are imposed at the discretion of the Conduct Officer.

4. Educational

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

5. Other Sanctions

Other sanctions may be imposed instead of, or in addition to, those specified above. Restrictions or denials of University parking privileges may be imposed for violations of Department of Transportation policy. Students found responsible for misuse of University computers or networks may lose the privilege of accessing those computers and/or networks. For violations of academic integrity, appropriate academic penalties shall also be applied (see [University Policy 10.2.13: Rutgers University Academic Integrity Policy](#)). For sanctions for violations associated with University housing, please refer to the Residence Life Living Policies Guide ([Rutgers University–New Brunswick](#), [Rutgers University–Newark](#), and [Rutgers University–Camden](#)). For sanctions for violations committed by student organizations, please refer to Standards of Conduct for Student Organizations. For violations associated with intercollegiate athletes or student organizations with national affiliations, non-University sanctions may apply.

## IX. DISCIPLINARY PROCESS

For all cases, except those:

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- (a) involving academic integrity violations
  - ~~(b) subject to the University Policy 60.1.33: Title IX Policy and Grievance Procedures, including and cases of sexual misconduct that fall outside the scope of the Title IX Policy and Grievance Procedures Student Policy Prohibiting Sexual Harassment, Sexual Violence,~~
  - ~~(b) Relationship Violence, Stalking and Related Misconduct~~
  - (c) occurring in RBHS
  - (d) involving student organizational misconduct
- A. 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. All complaints shall be reported to the Office of Student Conduct/Community Standards.
- B. During the disciplinary process, the accused student and complaint party shall be informed of their rights (as identified in Part V, "Rights of the Complaint Party and the Accused Student") and given information about the disciplinary process.
- C. Should the accused student withdraw from the University for any reason, at any time during the disciplinary process, a hold will be placed on their transcript and registration, and the student will be prohibited from graduating while the matter is pending. The student will be unable to return to the University until they have completed the disciplinary process and the matter has been resolved.
- D. Once a complaint has been received, a Conduct Officer conducts an Investigation. The Investigation may include meetings with the responding student, the complaint party, witnesses, and any other involved individuals. The accused student and complaint party will be given written notice of meeting time(s), their rights and responsibilities, a list of Campus Advisors, and any other necessary information as determined by the Conduct Officer. An investigation may not require meeting with all parties; the Conduct Officer will determine what meetings are necessary. The Investigation will determine the next step of the process.
- E. If the accused student fails to respond to the Office of Student Conduct/Community Standards after contact has been attempted via several modes of communication, or fails to meet with the Conduct Officer for an Investigation or Administrative Conference, the Conduct Officer will assume the student declines to participate in the process. The Conduct Officer will make a determination based on their investigation; cases involving suspension, expulsion, or loss of University housing will be referred to a University Hearing. The Conduct Officer will notify the student of the complaint, charges, finding, and sanctions, if any. Should the student disagree with the finding, they will have the right to appeal to the Campus Appeals Committee.
- F. After the Investigation, one of several things may happen:
- (1) The Conduct Officer has insufficient information. No charges will be brought against the accused student at this time.
  - (2) The parties may be able to bypass the conduct process using Alternative

Resolution practices.

- (3) The Conduct Officer finds enough information to send a Finding Letter.
- (4) The Conduct Officer may request an Administrative Conference.
- (5) Following an Administrative Conference, the accused student may be called to a University Hearing (only in cases where the recommended sanctions include suspension or expulsion from the University or loss of University housing).

1. No charges

The Conduct Officer determines that no charges should be filed, or that the complaint does not include enough information for the Conduct Officer to bring charges against the student. If new information is found, the University may reopen a case and the student may be subject to the disciplinary process.

2. Alternative Resolution Practices

The University aims to create a culture that supports and utilizes Restorative Justice Practices to address and repair harm in the community, restore wellness, and promote communication, engagement, and cooperation. The Office of Student Conduct/Community Standards offers several practices to resolve issues outside of the disciplinary process. Any University community member or group may contact the Office of Student Conduct/Community Standards to learn about available resolution options, and/or to initiate a resolution process.

For resolution options, see the [Rutgers University–New Brunswick Student Conduct website](#).

3. Finding Letter

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

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

4. Administrative Conference

After an investigation has been conducted, the Conduct Officer can request that the student attend an Administrative Conference. The student may

choose to have a Campus Advisor and/or a support person present. The student will have the opportunity to present information, including witnesses in their defense. At this meeting, the Conduct Officer will review all available information and determine charges and sanctions, should the student be found responsible for those charges. The Conduct Officer will notify the student of the outcome of the Administrative Conference in writing.

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

If the Conduct Officer finds that the matter warrants separation or loss of housing, the Conduct Officer will refer the matter to a University Hearing for a determination, unless the student chooses to accept the outcome of the Administrative Conference.

#### 5. University Hearing

Cases referred to a University Hearing will be heard by the University Hearing Board. The University Hearing Board is a formal disciplinary body comprised of two students and one faculty or staff member, overseen by a trained University community member serving as the Presiding Officer. The student may choose to have a Campus Advisor and/or a support person present. During the hearing, the complaint party will provide a narrative of what happened. Then the respondent will have the opportunity to provide their narrative of what happened. Then witnesses in support of the complaint will provide their accounts. Then the respondent can provide witnesses to support their interpretation of the incident.

The University Hearing Board will review all available information, question all parties and any witnesses, and determine responsibility and sanctions, if appropriate. Should a student disagree with the finding and/or the sanctions, they will have opportunity to appeal to the Campus Appeals Committee.

### **X. Appeals**

- A. An accused student will have ten working days following a decision to file an appeal. All appeals must be submitted in writing, and will be referred to the Campus Appeals Committee on the responding student's campus. Failure to submit an appeal by the appropriate deadline will render the decision final and conclude the disciplinary process.

Appeals may be made on the following grounds:

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

2. Procedural Error: The University Hearing disciplinary process was conducted unfairly and not in conformity with prescribed procedures. \_The error committed must have substantially impacted the fairness of the disciplinary process.
3. New Information: There is new information available that was not available at the time of the original Administrative Conference or University Hearing and that is sufficient to alter the original decision.
4. Disproportionate Sanction: The sanction imposed against the student was not appropriate for the offense committed.

#### B. Procedures

1. The Campus Appeals Committee on the responding student's campus will convene to review the case being appealed.
2. The Campus Appeals Committee will typically be comprised of two students and one faculty or staff member, and advised by a Conduct Officer unaffiliated with the case.
3. 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 that of the original finder of fact or attempt to rehear the case.
4. In preparation of an appeal, the responding student may have access to the recording of the Administrative Conference or University Hearing, if a recording exists.
5. The Presiding Officer (if any), the Conduct Officer, and the complaint party (if any) may respond in writing to the student's appeal.
6. Any responding student who accepts responsibility for, or is found responsible for, a violation is given one appeal to be reviewed by the Campus Appeals Committee.
  - a. Accepted Responsibility – Any accused student who accepts responsibility for a violation of University policy but disagrees with the sanction imposed, maintains the right to have their sanction reviewed by the Campus Appeals Committee. All information will be reviewed and a final determination will be made, affirming or modifying the sanctions. If the sanctions are modified, the student is given new sanction instructions by the Campus Appeals Committee and the case is concluded. \_If the sanction is affirmed, the original sanctions will stand, and the case is concluded. \_ However, should the sanctions include suspension or expulsion, the Campus Appeals Committee's decision is not final; the student will have five working days to file an additional appeal to the Senior



Student Affairs Officer (or their designee), who makes the final decision on the appeal.

- b. Found Responsible – Any accused student who is found responsible for a violation of University policy but disagrees with the finding and/or sanctions imposed, maintains the right to have their case reviewed by the Campus Appeals Committee. \_The Campus Appeals Committee will review all information and make a determination; affirm the original finding and sanction; affirm the finding and modify the sanction; or remand the case for a new Administrative Conference or University Hearing.
- c. Sanctions will 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. \_Cases will only be recommended for remand for a new Administrative Conference or University Hearing in the event of an unsupported finding, new and significant evidence, or significant procedural error.
- d. If the sanctions include suspension or expulsion, the Campus Appeals Committee decision is not final. \_The student will have five working days to file an additional appeal to the Senior Student Affairs Officer (or their designee), who makes the final decision on the appeal.

- C. The imposition of sanctions will normally be deferred during any appeals process. \_The status of the student shall not change until the appeals process is complete. \_The University reserves the right to place a hold on the student's registration and/or transcript and no degree will be awarded to the student during the appeals process.\_ Interim actions may also be taken to protect either party or the University community while the case is going through the appeals process. \_Where permitted by ~~state~~ State and federal laws, the Chief Conduct Officer (or their designee), may notify the victim of an act of student misconduct of any sanction imposed.
- D. Upon the conclusion of the appeal process, outlined above, there are no additional remedies available to the student.

#### **XI. DISCIPLINARY FILES (not including RBHS)**

- A. A student found responsible for, or who accepts responsibility for, violating University policy shall have a disciplinary file created in their 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 policies and subject to the Family Educational Rights and Privacy Act of 1974.
- B. A disciplinary hold may be placed on a student's University records by the Chief Conduct Officer (or their designee) while disciplinary proceedings are pending or if sanctions are not completed by the deadline.
- C. Permanent notation of disciplinary action shall be made on the transcript whenever a student is expelled, except in cases where a student has successfully petitioned for clemency and has completed their degree. \_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.
- D. At no time will the Office of Student Conduct/Community Standards provide any information that divulges to the public the name, address, or other identifying personal information of anyone involved in the disciplinary process.

#### **XII. CLEMENCY FOR EXPULSION**

- 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 their 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 their 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 Senior Student Affairs Officer on the campus from which the student was expelled, 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 activity, 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.

#### C. Procedures

1. Upon receipt of the request for clemency, the Clemency Officer may consult with whomever they wish and may empower an advisory panel to advise them. \_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.
2. The Clemency Officer will make a recommendation to the President of the University on clemency including specific conditions, if any, for admission/readmission.
3. 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.
4. The decision of the President is final.
5. If clemency is granted, the individual will be readmitted to the University and to the school, program, or successor unit from which they were expelled (assuming they are academically qualified for reenrollment). \_If the individual wants to attend a different academic unit within the University, they will be subject to the same requirements and approval processes as any current student. \_They will remain on Probation, noted on the transcript, until the degree is completed, at which time the notation 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.

6. 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.

### **XIII. STUDENT CONDUCT PROCESS VOLUNTEERS**

Rutgers University will recruit and train individuals to serve as Campus Advisors, University Hearing Board members, Presiding Officers, and Campus Appeals Committee members.

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

A standing ~~system-universitywide~~ committee is responsible for reviewing this Code and suggesting appropriate amendments or modifications. The committee shall consist of a minimum of two students and two representatives from Rutgers University–Camden, Rutgers University–Newark, and Rutgers University–New Brunswick.

It will be the responsibility of the Senior Student Affairs Officer at Rutgers University–New Brunswick to inform the University Senate, the President of the University, and the Board of Governors of any substantive changes in the student disciplinary process recommended by the committee. Substantive changes to the Code of Student Conduct must be approved by the Board of Governors; minor changes may be approved by the President.