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## UNIVERSITY POLICY

# 10.2.11 Code of Student Conduct

Section Title:	Academic: Student Academic Regulations & Policies
Approval Authority:	Board of Governors
Responsible Office(s):	Off. of Student Affairs
Responsible Executive(s):	Exec. V.P. for Academic Affairs
Adopted Date:	07/07/1972
Reviewed Date:	
Contact Information:	Office of Student Conduct 848-932-9414, <a href="http://studentconduct.rutgers.edu">http://studentconduct.rutgers.edu</a> , Office of Student Affairs Compliance: 848-932-8200, <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

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: 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 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](#)
- [Stop Hazing: Prevention Through Education](#)



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



- 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: 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

Please refer to [University Policy 60.1.33: Title IX Policy and Grievance Procedures](#) for specific information regarding what would constitute a violation of this policy.

- D. Acts of dishonesty:

1. 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 4

- Knowingly exposing another person to a sexually transmitted infection or virus without the other's knowledge.
3. 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.
  4. 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.
  5. Non-Title IX sexual harassment, which refers to:
    - a. 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;
      - submission to or rejection of such conduct by an individual is used as the basis for academic or student life decisions affecting that individual; or
      - such conduct has the effect of unreasonably interfering with an individual's education or academic performance or creating an intimidating, hostile, demeaning, or offensive campus, work, or living environment
    - b. Sexual harassment 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

Sexual harassment may be committed by anyone regardless of gender identity and may occur between members of the same or different sex.
  6. Non-Title IX relationship violence, which refers to:
    - any act of 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
    - dating violence or domestic violence, as defined by the Title IX Policy and Grievance Procedures, that occurs 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
  7. Non-Title IX sexual assault, which refers to sexual assault, as defined by the Title IX Policy and Grievance Procedures, that occurs 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
  8. Non-Title IX stalking, which refers to stalking, as defined by the Title IX Policy and Grievance Procedures, that occurs 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

#### 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.

#### 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.

#### J. Defamation:

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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

K. Hazing:

1. Engaging in any act that impacts the mental, emotional, or physical health or safety





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:

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





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

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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.

1. 1.

a. Accepted Responsibility – Any accused student who accepts responsibility for a violation of University polic

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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 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.

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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.