
STUDENT CODE OF CONDUCT

PREAMBLE

The governance of New Jersey City University is entrusted to the trustees, administration, faculty and students.

INHERENT AUTHORITY

The university reserves the right to take necessary and appropriate action to protect the safety and well-being of the campus community and to protect the continuing operation of the university. The prohibited conduct identified by the Student Code of Conduct applies to the university premises and all university-sponsored activities. Charges of violating a local ordinance, state, or federal law may subject the student to disciplinary action by the university. If behavior on or off campus adversely affects the university's educational mission, and/or constitutes a substantial and/or continuing danger to the safety or property of the university or members of the university community, there is also the possibility of disciplinary action being taken. Students are also expected to respect and comply with the rules and regulations of other institutions when visiting or participating in activities on those campuses.

The policies and procedures apply to all student-related violations as long as the Reporter(s) and the Respondent are matriculated graduate and/or undergraduate students at the university. Interpretations of the Student Code of Conduct are set forth in writing in order to give students general notice of prohibited conduct. The regulations should be read broadly and are not designed to define every instance of misconduct.

INTERIM SUSPENSION

Interim Suspension is an immediate suspension from the New Jersey City University, pending further disciplinary proceedings, upon written notice from the Office of the Dean of Students, without an informal resolution or a formal hearing. The Dean of Students will make the decision to suspend based on whether or not the allegation of misconduct is valid. An interim suspension usually includes physical exclusion from the campus. Therefore, this action will be taken if the continued presence of the student on university premises poses a threat to the physical or emotional well-being of any individual, including the student, or relates to the safety and welfare of any university property or function.

A student suspended on an interim basis will be given a prompt opportunity to appear before the Dean of Students or designee within five (5) university business days following the interim suspension, or in cases involving incarceration, when the student is available. The interim suspension will remain in effect until a final decision has been made on the pending complaint either through an informal resolution, a formal hearing process, or until the Dean of Students determines that the reason for imposing the interim suspension no longer exists.

are ultimately accountable for the outcomes of the resolution. The goal of the conduct process is to provide positive, productive responses to offenses or violations, ultimately meeting the unique needs of the student population.

TENETS OF THE UNIVERSITY DISCIPLINARY PROCESS

- A. To regard each student as an individual, who deserves personal attention, consideration, and respect
- B. To consider the facts fully and carefully in the resolution of all cases
- C. To speak candidly and honestly to each student
- D. To hold each student to a high standard of behavior, both to protect the campus community and to promote student moral development
- E. To contribute to the educational mission of the university by designing policies, conducting programs, and offering instruction that contribute to the intellectual and moral development of the entire student body

Section I. Definitions

- A. **Bullying** aggressive behavior or intentional harm-doing which is carried out repeatedly and over time in an interpersonal relationship characterized by an imbalance of power
- B. **Cyber bullying** willful and repeated harm inflicted through the use of computers, cell phones, and other electronic devices
- C. **Distribution** sale and/or exchange
- D. **Harassment** Conduct (physical, verbal, graphic, written, or electronic) that is sufficiently severe, pervasive or persistent so as to threaten an individual or limit the ability of an individual to work, study or participate in the activities of the university
- E. **Possession** the exercise of actual or constructive dominion over a thing by one or more persons
- F. **Presiding Officer** a Conduct Board member with voting authority who coordinates the orderly administration of a formal hearing or an informal resolution
- G. **Sanction** penalty for a violation of the Student Code of Conduct
- H. **Student** a person who is registered for and/or who is auditing courses at the university either on a full or part-time basis.
- I. **Disciplinary File** An incident file is created in the name of each student or student organization alleged to have violated the Student Code of Conduct and follows the student or organization through an informal resolution or formal hearing.
- J. **Disciplinary Records** A student is considered to have a disciplinary record when any of the following occurs; the Conduct Board or Presiding Officer finds the student responsible for violating one or more of the policies set forth in Section II of the Student Code of Conduct or an appeal filed by the student results in an affirmation of the Conduct
- K. **Reporter** any member of the university community who submits a formal, written **Incident Report**

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- N. ***University community*** all staff, faculty, administrators, and students who are associated with the university
 - O. ***University premises*** buildings or grounds owned, leased, operated, controlled or supervised by the university
 - P. ***University-sponsored activity*** any activity on or off campus that is initiated, aided, authorized or supervised by the university

Section II. Prohibited Conduct

This list of behaviors is intended to represent acts that constitute violations of the New Jersey City University Student Code of Conduct and should not be regarded as all-inclusive.

- A. Misuse or unauthorized use of fire extinguishers, fire sprinkling systems, and other safety equipment or warning devices
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1. Intentionally or recklessly causing physical harm and/or causing reasonable apprehension of such harm
 2. Intentionally and substantially interfering with the freedom of expression of others
 3. Intentionally or recklessly destroying or damaging the property of others and/or the University
 4. Trespassing or unauthorized entry to any university premises, facility, property or at a University-sponsored event or activity
 5. Engaging in disorderly or disruptive conduct, which interferes with the activities of others
- F. Hazing Conduct (other than competitive athletic events) in connection with membership in any campus organization or group which places another person in danger of physical, sexual or mental harm, bodily injury or deprivation. The supposed consent of the endangered person is not a defense. Campus organizations and their members are prohibited from engaging in or encouraging others to engage in hazing.
- G. Disruptive Behavior Disruptive behavior on campus or in classrooms is not permitted. The primary responsibility for managing the teaching and learning environment rests with faculty or any other person acting in a supervisory capacity over the instructional forum. Faculty/staff have the right to ask a disruptive student to leave class or an office. All incidents are to be reported to Public Safety and to the Dean of Students in order to keep a record of such behavior and to inform students about their rights and responsibilities via New Jersey City University
1. This may include but is not limited to the use of cellular phones, bringing unregistered persons to class, smoking, persistently speaking without being called upon, refusing to be seated, disrupting the class by leaving and entering without authorization, etc.
 2. Depending upon the severity and frequency of the conduct, the University will impose sanctions as indicated in this code.
- H. Vandalism/Destruction of University property
1. Misuse of materials, including, but not limited to, student identification cards, keys, computers or computer-related items, laboratory equipment, athletic equipment, or other materials issued by the university
 2. Destruction, damage, defacing, or littering of any university building, property, or private property on the campus at university-sponsored events
 3. Misuse and/or tampering with any electrical system, wiring, telephone service, or other safety/security devices
- I. Actual, attempted, or knowledge of the theft of property or services, including, but not limited to:
1. Unauthorized possession, duplication, or misuse of or damage to University property or other personal or public property, records, electronic files, telecommunications systems, forms of identification, and keys
 2. Embezzlement of university funds
 3. Unauthorized reading, duplicating, removing, photographing, forging, counterfeiting, altering of any document, permit, or record

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- J. Theft, misuse, or abuse of New Jersey City University computing facilities, websites, files, hardware, or software, including, but not limited to:
1. Unauthorized entry into a file to use, read, or change the contents, or for any other purpose
 2. Unauthorized transfer of a file
 3. Unaut
 4. Use of computing facilities to interfere with the work of another person
 5. Use of computing facilities to send, deliver or publish obscene or threatening or false and defamatory electronic communications including e-mail and web postings.
 6. Exceeding bandwidth allotment set by Information Technology Services
 7. Use of computer facilities to harass or invade the privacy of a specific individual or groups
 8. Although the university will protect the freedom of speech guaranteed to students by the First Amendment to the U.S. Constitution in cyberspace, use of University computer facilities that goes beyond the legally defined boundaries of free speech and threatens to disrupt substantially university operations or violates

person, or to any member of that person's family or household, or of damage to his/her property.

M. Discriminatory Harassment, Intimidation or Bullying

A student will be found responsible for discriminatory harassment, intimidation or bullying

the student directs at a specific group or individual, based upon race, creed, color, national origin, ancestry, age, marital status, affectional or sexual orientation, familial status, disability, nationality, sex, gender identity or expression, source of lawful income or any other characteristic protected from discrimination by the New Jersey Law Against Discrimination, N.J.S.A. 10:5-4, which conduct substantially interferes with work, educational performance or equal access to the University (Please see the Sexual and Gender-Based Misconduct Policy for more detailed information.)

N. Solicitation and commercialization by students shall be prohibited on campus unless authorized by the administrative staff within the Office of the Dean of Students or their authorized representatives.

O. Interference with disciplinary procedures or outcomes, including but not limited to:

1. Falsification, distortion or misrepresentation of information before a conduct officer or conduct board
2. Knowingly initiating a complaint without cause
3. Harassment and/or intimidation of any member of a conduct board, witness(es), or university personnel before, during or after a proceeding
4. Failure to comply with the sanction(s) imposed by either the Presiding Officer or the Conduct Board

P. Non-Student Conduct If it is determined that the accused individual is not and/or has never been a currently registered student and did engage in prohibited conduct, the Office of Public Safety will be asked to intervene. As deemed necessary, this individual will be confiscated and s/he may be barred from campus until such time that his/her enrollment status and/or disciplinary standing changes.

Section III. Sanctions – Violations of any of the aforementioned behaviors shall be referred to the Office of the Dean of Students. Because of his/her findings, s/he may initiate any of the following actions. Please note: More than one of the sanctions listed may be imposed for any single violation.

| Sanction | Description |
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| Warning | Notice in writing that continuation or repetition of prohibited conduct may be the cause for additional disciplinary action. |

| Sanction | Description |
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or hold office in any student group or organization. Additional restrictions and/or co

| Sanction | Description |
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| *Group Infractions | Every organization has the duty to prevent any infraction of university |

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9. The Respondent and Reporter(s) shall receive a summary confirming the results of the informal resolution, including any appropriate sanctions.
 10. Deviations from these procedures shall invalidate the informal resolution or the results of the resolution unless otherwise amended by the Office of the Dean of Students.

E. Formal Hearings If a complaint is forwarded to the Conduct Board for adjudication, the following procedures will be in effect:

1. The Conduct Board conducts formal hearings.
 - a. At the beginning of each academic year, the Dean of Students will appoint and train a Presiding Officer and the members of the Conduct Board.
 - b. The Conduct Board shall consist of an equal number of students and faculty/staff.
 - c. For each hearing, there must be five (5) members, including at least two (2) students and (2) faculty/staff members. In addition, the Recording Secretary will serve as an ex-officio member.
 - d. Whenever necessary, the Dean of Students may appoint a representative to replace a standing member of the Conduct Board if that member is unavailable to participate in a hearing.
2. Pending the schedules of Conduct Board members, hearings will be scheduled in a timely manner.
3. During exam week, winter/spring recess, or other busy times during the academic year, the hearing process may take longer.
4. Members of the Conduct Board, who assume bias for or against either party, in a

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11. The assigned Recording Secretary will document the proceedings and prepare the minutes of the hearing.
 12. Deviations from these procedures must be approved in advance by the Office of the Dean of Students.

F. General Procedures for Formal Hearings

1. The Presiding Officer of the Conduct Board is responsible for conducting hearings in an orderly and proper manner. S/he is present throughout all phases of adjudication and acts to ensure that both parties receive the opportunity to present relevant facts and witnesses. In addition, the Presiding Officer ensures that final decisions rendered are in accordance with outlined procedures.
 - a. The Presiding Officer will call the meeting to order.
 - b. The Presiding Officer will explain the function of the hearing and verify that the Respondent and the

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- f. The members of the Conduct Board may recall any witnesses from either party if necessary.
 - g. The Presiding Officer may recess a hearing if he or she concludes that the Board requires additional information to render a final decision.
3. Deliberation for Formal Hearings
- a. Upon conclusion of all testimony, the Conduct Board will meet in private to deliberate the matter and render a decision. The deliberation will not be recorded; the final vote will be noted, but will not be publicized.
 - b. The determination of responsibility for violations and the recommended sanction(s) are determined by a majority vote of the Conduct Board.
 - c. In the event the Conduct Board finds that the Respondent did commit the said charges, the Conduct Board may recommend a sanction.
 - d. All board decisions are made as recommendations to the Presiding Officer.
 - e. In determining a recommendation, the Conduct Board may consider the past disciplinary record and previous offenses of the Respondent. If applicable, the Office of the Dean of Students will provide relevant records to the Conduct Board for review and consideration.
 - f. All Conduct Board discussions are confidential.
4. Notification After a formal hearing and its deliberations have been completed, the Presiding Officer will send written notification of the results of the hearing to the Office of the Dean of Students within five (5) university business days after the deliberation ended. The Office of the Dean of Students shall notify the Respondent, in writing, of the following, within five (5) university business days:
- a. Final decision in the case
 - b. Sanctions, penalties and other stipulations or special requirements
 - c. Right of appeal to the Dean of Students
5. Reporting of Hearings, Final Decisions and Sanctions
- a. The privacy and confidentiality of all student disciplinary records shall be in accordance with the Family Educational Rights and Privacy Act of 1974 as amended.
 - b. Information regarding hearings scheduled, final decisions made, and/or the disciplinary status of a student may be shared with appropriate university officials and departments (i.e. Residence Life Director, Public Safety, Athletics, Deans, etc.).
 - c. Reporter will receive written notice of the Conduct
- G. Appeals Students may appeal hearing decisions made as the result of a formal hearings in accordance with the following provisions:
1. Students are entitled to no more than one appeal review per case.
 2. Students electing to appeal a hearing decision must file a written appeal, including the reasons for the appeal, with the Dean of Students, within five (5) university business days of notice of the sanction of the original hearing.
 3. Appeals must be in writing and must state specific grounds for the appeal. Grounds for appeal are limited to the following:
 - a. The sanction(s) imposed are significantly disproportionate to the offense
 - b. Specified procedural errors or errors in interpretation of university regulations were so substantial as effectively to deny the student a fair hearing

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- c. New and significant information became available and could not have been discovered by a properly diligent student before or during the original hearing
 - d. The finding is unsupported by any information that was presented
4. The Dean of Students will review all documentation associated with the case and determine whether sufficient grounds exist to reopen the case. If sufficient grounds do not exist, the finding(s) and sanction(s) from the original hearing will stand and no

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4. Conduct Board Process Please review the Student Code of Conduct, Section IV. Procedural Due Process. The hearing will be divided into four segments:
 - a. Presentation of Case
 - b. Questioning of the Parties
 - c. Questioning of the Witnesses
 - d. Closing statement
 5. Presentation of case Prepare and write out an outline for the presentation of your case. The presentation should begin with a brief statement. The rest of the presentation is a narrative about the incident and the key facts.
 6. Questioning of the Conduct Board When responding to questions, avoid providing unnecessary information.

requests for information by non-university authorities and such information shall not be released without their expressed written consent. Procedures for destruction of inactive records will be established that will safeguard the confidence in which they should be held.

- K. Students have a right to demonstrate dissent if all facets of the dissent are within the law and do not impede the normal business of the university or restrict the rights of others.
- L. Students shall have the right to invite and hear speakers of their choice. The right to assemble and hear these speakers shall be subject to restrictions as stated in No. 11 above.
- M. Students have the right to express ideas freely. This right shall be considered to have been violated, however, if such expressions are unsupported or contradicted by facts, adversely affect the reputation of any member of the university community, and/or or restrict his/her opportunities to engage in activities which are consistent with the normal business of the University. Such violations shall not be tolerated even when carried out under the guise of anonymity.
- N. The university shall guarantee editorial freedom. As safeguards for the editorial freedom of student publications, the following provision are necessary:
 - 1. The student press shall be free of censorship and advance approval of copy, and its editors and managers shall be free to develop their own editorial policies and news coverage.
 - 2. Editors and managers of student publications shall be protected from arbitrary suspension and removal because of student, faculty, administrative, or public disapproval of editorial policy or content.
 - 3. All student publications shall explicitly state that the opinions expressed therein are not necessarily those of the university or the student body.
 - 4. The editorial freedom of student editors and managers shall entail corollary responsibilities and offer reasonable opportunities for rejoinder to the university community.

GRIEVANCE PROCEDURES

The following procedure is available to students to resolve grievances regarding grading, course requirements, attendance requirements, and other related complaints:

- A. Discussion with faculty member
- B. Appeal to the appropriate department chairperson.
- C. Appeal to the appropriate academic dean.
- D. Grievances, _____, may be referred to the Student Affairs Committee of the University Senate.
 - 1. The Student Affairs Committee shall deal with grievances involving students and faculty, staff or administrators. Upon receipt of a written appeal from a student, faculty member, or administrator, the committee shall first determine that:
 - a. All pertinent information has been requested, obtained and reviewed; the grievance has basis in fact;
 - b. All normal avenues of grievance resolution (i.e., student, faculty members, chairperson and academic dean) have been exhausted.
 - 2. The Student Affairs committee members shall then process the grievance and render its recommendation to the Vice President of Academic Affairs who will make a final decision and inform interested parties.

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3. The entire grievance procedure, including notification of a final decision, should be resolved in a timely manner. The Committee shall include at least one full-time faculty member from the College of Professional Studies, College of Education and College of Arts & Sciences. The chairperson or vice chairperson of the Senate shall also be a member.

STUDENT RECORDS

Students who wish to inspect and review their educational records may do so by notifying the Dean of Students. The Dean will schedule a mutually convenient time for said inspection within seventy-two hours (three working days) of the request; all such inspections will be scheduled between the hours of 10:00 a.m. and 4:00 p.m., Monday through Friday, and a member of the University staff will be present throughout. Special arrangements will be made for evening

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- C. A list of personal characteristics or other information which would make it possible to identify the student with reasonable certainty

RELEASE OF PERSONALLY IDENTIFIABLE INFORMATION

The University may not release educational records or personally identifiable information in the records to any individual, agency, or organization unless: (Updated to reflect current changes and standards)

- A. The student signs and dates a written consent which specifies:
1. The records to be released
 2. The reasons for the release
 3. The person to whom the records are released
- B. The records are released in compliance with a hearing order or pursuant to a lawfully issued subpoena. The student must be notified in advance that the information will be released. Ordinarily subpoenas give the University very little time to comply. A good faith effort should be made to contact the student and/or to postpone the compliance date for the subpoena.
- C. name, address, and telephone number. Although the release of directory information is permissible, the University reserves the right to exercise discretion regarding the release of directory information.
- D. Information is released to the following individuals or agencies and for the following purposes:
1. University personnel with a legitimate educational interest as determined by the Dean of Students;
 2. Officials of other schools in which the student seeks to enroll, provided the student is notified of the release;
 3. Federal and state officials in connection with the audit and evaluation of federally funded programs in connection with the enforcement of federal legal requirements which relate
aid;
 4. State and local officials pursuant to a state statute adopted prior to November 19, 1974;
 5. Organizations conducting studies for the purpose of developing predictive tests,
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