

## CODE OF CONDUCT

### PREAMBLE

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The governance of an institution of higher education is entrusted to the trustees, administration, faculty and students. In each instance, this trust includes a voice in policy-making and a participatory role in bringing about necessary and appropriate changes. All amendments to these statements on Student Rights and Responsibilities shall be made by the Office of the Dean of Students and presented for review and recommendation to the University Senate through the Student Affairs Committee.

### INHERENT AUTHORITY

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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 Code of Conduct applies to the University premises and University-sponsored activities. Charges of violating a local ordinance, state, or

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## INTRODUCTION

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The university disciplinary process at New Jersey City University is administered by the Office of the Dean of Students and serves an important role in protecting the individual rights of students, as well as the interests of the University. Conduct officers will insure procedural fairness to students accused of violations of the Code of Conduct, entitling students to due process regardless of the alleged offense. Supporting the educational mission and philosophies of the University, the administrators of the university disciplinary process (conduct officers) will seek to educate students about appropriate behavior within a community that fosters academic success and personal growth. The system is based on the expectation that students assume responsibility for their own behavior. Therefore, the University has the authority to establish an internal structure for the enforcement of its policies and procedures which students have agreed to accept by virtue of their enrollment.

Wherever possible, conduct officers will embrace an

- G. Sanction – penalty for a violation of the Code
- 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 NJCU 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 Hearing Board or Presiding Officer finds the student responsible for violating one or more of the policies set forth in Section II of the Code of Conduct or an appeal filed by the student results in an affirmati







Community Service      Service to the University community for a specified number of hours until the date of completion; failure to complete all or part of a service project in a satisfactory manner by the completion date may

claims or criminal charges, the interim suspension



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- a. At the beginning of each academic year, the Dean of Students will appoint and train a Presiding Officer and the members of the Hearing Board.
  - b. The Hearing Board shall consist of an equal number of students and faculty/staff.
  - c. For each hearing, there must be at least 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 Hearing Board if that member is unavailable to participate in a hearing procedure.
2. Pending the schedules of Hearing Board members, hearings will be scheduled in a timely manner.
  - 3.

to ensure that both parties receive the opportunity

- a. Upon conclusion of all testimony, the Hearing 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 Hearing Board.
  - c. In the event the Hearing Board finds that the accused did commit the said charges, the Hearing Board may recommend a sanction.
  - d. All board decisions are made as recommendations to the Presiding Officer.
  - e. In determining a recommendation, the Hearing Board may consider the past disciplinary record and previous offenses of the accused. If applicable, the Office of the Dean of Students will provide relevant records to the Hearing Board for review and consideration.
  - f. All Hearing 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 two (2) University business days after the deliberation ended. The Office of the Dean of Students shall notify the accused, in writing, of the following, within seven (7) 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. Complainant will receive written notice of the Hearing Board’s findings.

G. Appeals – Students may appeal hearing decisions made as the result of a formal hearing in accordance with the following provisions:

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further appeal is provided. If sufficient grounds exist to reopen the case, the Dean of Students may elect to hear the case in part, in total or de novo and is not bound by the finding(s) or sanction(s) of the original hearing body.

5. Once the appeal is granted, the Dean of Students will notify the all appropriate parties, in writing, of the new hearing date and of the new hearing conditions. The Dean of Students hears all appeals.

H.



6. 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.
7. Questioning of the Hearing Board – When responding to questions, avoid providing unnecessary information. Short, direct responses are preferred by the Hearing Board. Do not make personal comments about the accused student.
8. Closing Statement – State what you have shown throughout the hearing. Point out any

2. The advisor in a disciplinary proceeding may be anyone of the student's choosing (including an attorney). The advisor is not permitted to speak during the proceeding. The advisor may confer and speak privately to the advisee. The advisor may not be included in the list of witnesses. S/he may only function in the capacity of an advisor. The advisor should assist the advisee with the following:
  - a. Review and understand the charge(s) and the student conduct process
  - b. Prepare the presentation of the case
  - c. Take notes during the proceeding
  - d. Help keep the advisee calm and in control
  - e. Provide moral support to the advisee during the proceeding
3. The advisor's assistance may also be needed in preparing a letter of appeal (if advisee is the accused student), should the student choose to appeal the decision.

#### STUDENTS' BILL OF RIGHTS

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- A. Students shall not be denied access to University facilities because of race, creed, color, gender, sexual orientation, religion, disability, veteran status, or ethnicity.
- B. Students shall have the right to form and operate a Student Council to approve and legislate for student activities and budgetary concerns. The Student Council and all other organizations authorized or chartered by the Student

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

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

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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 students. Students have the right to inspect and review their educational records except in the following cases:

- A. Financial records of the student's parents.
- B. Confidential letters or statements placed in the file prior to January 1, 1975.
- C. In the case of material, that includes information on other students; the student may review or be informed only of his/her information.

The University maintains the following records on individual students, and in most instances, the inspection of records will be scheduled in the office in which the record is kept.

- A. Transcripts – Office of the Registrar
- B. Registration – Office of the Registrar
- C. Advisement – University Advisement Center
- D. Student health records – Health and Wellness Center
- E. Financial aid records – Office of the Director of Financial Aid
- F. Placement records – Career Planning and Placement
- G. Disciplinary records – Office of the Dean of Students

Access to these records will be given to University personnel who have a legitimate educational interest in the records as determined by the Dean of Students. Information may be released to other agencies and individuals only in compliance with the federal Family Educational Rights and Privacy Act (FERPA), copies of which are posed in the offices of the Dean of Students and the Registrar. Students may request copies of information contained in their educational records.

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**RELEASE OF PERSONALLY IDENTIFIABLE INFORMATION**

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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.