



RUTGERS POLICY

Section: 10.2.11

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Policy Name: Code of Student Conduct

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Errors or changes? Contact: Office of Student Conduct at conduct@rci.rutgers.edu or 732-932-9414

The Policy

10.2.11 UNIVERSITY CODE OF STUDENT CONDUCT

PREAMBLE

A university in a free society must be devoted to the pursuit of truth and knowledge through reason and open communication among its members. Its rules should be conceived for the purpose of furthering and protecting the rights of all members of the University community in achieving these ends.

All members of the Rutgers University community are expected to behave in an ethical and moral fashion, respecting the human dignity of all members of the community and resisting behavior that may cause danger or harm to others through violence, theft, or bigotry. All members of the Rutgers University community are expected to adhere to the civil and criminal laws of the local community, state, and nation, and to regulations promulgated by the University. All members of the Rutgers University community are expected to observe established standards of scholarship and academic freedom by respecting the intellectual property of others and by honoring the right of all students to pursue their education in an environment free from harassment and intimidation.

This document describes the University's Code of Student Conduct. It specifies prohibited types of behavior, the sanctions that can be applied, and the jurisdiction, structure, and operation of the University system for adjudicating student disciplinary cases. It supersedes those documents pertaining to student disciplinary hearing procedures, in conflict herewith, currently in force in any division of the University. It is the responsibility of all University students to familiarize themselves with these regulations.

AUTHORITY FOR STUDENT DISCIPLINE

1. Ultimate authority for student discipline is vested in the Board of Governors of Rutgers, The State University of New Jersey. Disciplinary authority may be delegated to University administrators, faculty members, students, committees, and organizations, as set forth in this Code, or in other appropriate policies, rules, or regulations adopted by the Board.

RATIONALE

2. The primary purpose for the imposition of discipline in the University setting should be to foster the personal, educational, and social development of those students who are held accountable for violations of University regulations, to ensure the orderly functioning of the University, and to protect the University community and its integrity.

DEFINITIONS

3. When used in this Code:
 - (a) the term "college" means any academic division of the University.
 - (b) the term "regional campus" means any of the three major geographic divisions of the University, i.e., Camden, Newark or New Brunswick/Piscataway.
 - (c) the term "Vice President for Student Affairs" means that official or that individual(s) to whom the Vice President has assigned any one or more of his or her responsibilities under this document.
 - (d) the term "Chancellor" means that official on the Newark or Camden Campus, or the individual(s) to whom the Chancellor has assigned any one or more of his or her responsibilities under this document. On the New Brunswick Campus, the term "Chancellor" means the Executive Vice President for Academic Affairs or the individual(s) to whom the Executive Vice President for Academic Affairs has assigned any one or more of his or her responsibilities under this document.
 - (e) the term "Senior Dean of Students" shall mean that official or the person(s) at that campus designated to have the responsibilities assigned to the Senior Dean of Students by this document.
 - (f) the term "Dean of Students" shall mean that official or the person(s) at that campus designated to have the responsibilities assigned to the Dean of Students by this document.
 - (g) the term "Director of Student Conduct" means that official or other such title to whom that responsibility has been assigned or that individual to whom the Director has assigned one or more of his or her responsibilities under this document.
 - (h) the term "Student Conduct Officer" shall mean that official or the person designated to have the responsibilities assigned to the Student Conduct Officer by this document.
 - (i) the term "respondent" means any student who has been accused of an act prohibited under this Code.
 - (j) the term "complaint initiator" means a member of the University community who initiates a complaint of a violation of this Code against a respondent.

- (k) the term "victim" means a member of the University community who alleges that she or he has suffered personal harm or injury as a result of an alleged violation(s) of part 10 of this Code.
- (l) the term "Campus Adviser" means a member of the University community who has been selected by a respondent or by a person bringing forward the complaint to assist him or her in Hearings or Conferences conducted under this Code.
- (m) the term "support person" means a person who has been asked by the respondent or person bringing forward the complaint to attend a Disciplinary Conference or hearing to provide support and assistance. A support person does not represent either party during the disciplinary conference or hearing and cannot speak during the process.
- (n) the term "working day" means any day, except Saturday and Sunday, which is not listed as a University holiday on the University Calendar. Days when class is not in session, but which are not University holidays, are "working days."
- (o) the term "notice sent to a student" means a notice delivered to the student or his or her residence by any reasonable means. Such means may include e-mail, hand delivery or first class mail to a student's most recent local address as it appears in the Registrar's records, or to the student's current home address as it appears in the Registrar's records.
- (p) the terms "institution" and "University" mean Rutgers, The State University of New Jersey and all of its undergraduate, graduate and professional schools and colleges, divisions, and programs.
- (q) the term "student" means any person for whom the University maintains educational records, as defined by the Family Educational Rights and Privacy Act of 1974 and related regulations, and who has not yet been awarded his or her degree from the University at the time the alleged violation took place. A person who has been awarded one or more degrees from the University, but now undertakes further studies at the University is a student.
- (r) the term "faculty" means any person who holds a current academic appointment within the University.
- (s) the term "administration or staff" means any person who currently holds a non-faculty appointment within the University. This does not include faculty who serve as department chairs.
- (t) the term "member of the University community" means any student, faculty, administration or staff member at the University.
- (u) the term "University premises," for purposes of this Code, means buildings or grounds owned, leased, operated, controlled or supervised by the University.
- (v) the term "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.
- (w) the term "weapon" means any object or substance designed or which may be utilized to inflict a wound, cause injury, or incapacitate. A harmless instrument designed to look like a firearm, explosive or weapon that is used by a person to cause reasonable apprehension of harm, or to assault another person, is expressly included within the meaning of weapon.

- (x) the term "aggravated violation" means a violation which resulted or foreseeably could have resulted in significant damage to persons or property or which otherwise posed a substantial threat to the stability and continuance of University activities or University sponsored activities.
- (y) the term "distribution" means any form of sale, exchange or transfer.
- (z) the term "reckless" means conduct which one should reasonably be expected to know would create a substantial risk of harm to persons or property or which would otherwise be likely to result in substantial interference with University activities or University sponsored activities.
- (aa) the term "shall" is used in the imperative sense.
- (bb) the term "may" shall be used in the permissive sense.
- (cc) On the New Brunswick campus, the term "Chief Academic Officer" means the Executive Vice President for Academic Affairs, or the individual(s) to whom the Executive Vice President for Academic Affairs has assigned any one or more of his or her responsibilities under the Academic Integrity Policy (see Appendix 1). On the Newark and Camden campuses, the term "Chief Academic Officer" means the Chancellor or the individual(s) to whom the Chancellor has assigned any one or more of his or her responsibilities under the Academic Integrity Policy.
- (dd) On the New Brunswick Campus, the "Senior Student Affairs Officer" is the Vice President for Student Affairs. On the Newark Campus the "Senior Student Affairs Officer" is the Vice Chancellor for Student and Community Affairs. On the Camden Campus, the term "Senior Student Affairs Officer" is the Associate Chancellor for Student Affairs.
- (ee) the term "Academic Integrity Facilitator" (AIF) means an academic staff or faculty member appointed to investigate and adjudicate allegations of nonseparable violations of academic integrity. AIFs may also carry out Preliminary Review of cases of alleged separable violations of academic integrity.
- (ff) the term "Honor Council" means the organization of undergraduate and graduate students on each of the three Rutgers regional campuses dedicated to promoting academic integrity and the Code of Student Conduct.
- (gg) the term "Community Advocate" means a specially trained member of the Honor Council who provides information, advice, and assistance to faculty members who suspect that a student has committed academic dishonesty. The Community Advocate may bring a complaint forward on behalf of the complaint initiator at a University Hearing or Disciplinary Conference.
- (hh) the term "Student Advocate" means a specially trained member of the Honor Council who provides information, advice, and assistance to students accused of violating the Academic Integrity Policy and may present information and ask questions on behalf of the respondent at a University Hearing or Disciplinary Conference.

INTERPRETATION OF REGULATIONS

4. Disciplinary regulations at the University are set forth in writing in order to give students general notice of prohibited conduct. This Code is not written with the specificity of a criminal statute and is not designed to define misconduct in exhaustive terms.

INHERENT AUTHORITY

5. The University reserves the right to take necessary and appropriate action to protect the safety and well being of the campus community. Such action may include taking disciplinary action against those students whose behavior off University premises indicates that they pose a substantial danger to others in the University community. The University will not routinely invoke the disciplinary process for student misconduct that occurs off University premises unless it occurs at a University sponsored activity. Nonetheless, it will be necessary to endeavor to protect the campus community when there are reasonable grounds to believe that a student may pose a substantial danger to others. Normally, such "substantial danger" will be manifested by a pending criminal charge, usually relating to a crime of violence, burglary, sexual assault, substantial theft or fraud, the distribution of illegal drugs, or the possession of substantial quantities of illegal drugs.

VIOLATIONS OF LAW AND DISCIPLINARY REGULATIONS

6. Students may be accountable to both external authorities and to the University for acts which constitute violations of law and this Code. Action at the University will normally proceed during the pendency of administrative, civil or criminal proceedings arising out of the same or other events, and shall not be subject to challenge on the ground that criminal charges involving the same incident have been dismissed or reduced, or are pending. A member of the University community initiating a complaint under this Code is not precluded from filing civil or criminal charges outside the University.

INTERIM SUSPENSION

7. The Senior Student Affairs Officer's designee may suspend a student from the University for an interim period pending disciplinary or criminal proceedings. The interim suspension shall become immediately effective without prior notice whenever the Senior Student Affairs Officer's designee determines there is a reasonable basis to conclude that the continued presence of the student at the University poses a substantial and immediate threat to himself/herself, to others, or to property. For students on the Newark and Camden campuses, the responsibilities of the Senior Student Affairs Officer's designee under this section shall be carried out by the Chancellor or designee.
8. A student suspended on an interim basis shall be given an opportunity to appear personally before the Senior Student Affairs Officer or a designee within two working days in order to discuss the following issues only:
 - (a) the reliability of the information concerning the student's alleged misconduct, including the matter of his or her identity.
 - (b) whether the conduct and surrounding circumstances reasonably indicate that the continued presence of the student on University premises poses a substantial and immediate threat to himself/herself, to others, or to property.

The Senior Student Affairs Officer may affirm or alter the decision to suspend on an interim basis based on such discussion. If the decision is affirmed, it shall be the responsibility of the Senior Student Affairs Officer to notify the student in writing of the basis for this decision and to see that a University Hearing, as described in Parts 23 – 47, proceeds as expeditiously as possible. Any student placed on interim suspension will be given an opportunity to appear at a formal Hearing within ten working days of being placed on suspension or as soon as practical after the respondent is prepared to participate in a Hearing. A student who requests such a Hearing will be entitled to receive the notice of Hearing described in Part 29 of this Code five working days in

advance of the scheduled Hearing date. Notice limits described in Parts 30, 31, 33 and 34 of this Code will be reduced to two working days in such instances. If the University fails to provide the respondent such an opportunity, the interim suspension shall cease although the original charges shall not be dropped.

STANDARDS OF CLASSROOM BEHAVIOR

9. The primary responsibility for managing the classroom environment rests with the faculty. Students who engage in any prohibited or unlawful behavior that results in disruption of a class may be directed by the faculty member to leave the class for the remainder of the class period. Longer suspensions from a class, or dismissal on disciplinary grounds, must be preceded by a Hearing or Disciplinary Conference, as set forth in Parts 23 - 47 or 49 - 55 of this Code, or in accordance with Parts 7 - 8. The term "prohibited or unlawful behavior" would include behavior prohibited by a faculty member. It must be emphasized that this provision shall not be used to punish classroom dissent. The lawful expression of a disagreement with a faculty member is not in itself disruptive behavior. A student who believes that he/she has been treated in an arbitrary manner in this regard should contact his/her Dean of Students.

PROHIBITED CONDUCT

10. Students who engage in the following conduct on University premises, or at University sponsored activities, or at activities involving University recognized organizations may be subject to disciplinary action. Although violations of standards (a) through (u) may result in either expulsion or suspension from the University, lesser sanctions will be considered whenever appropriate. Violations of standards (v) through (aa) may not, standing alone, result in expulsion or suspension from the University, except as specified in Part 11 of this Code.

Separable Offenses

- (a) violations of academic integrity. Standards of academic integrity are set forth in Rutgers University Academic Integrity Policy.
- (b) forgery, unauthorized alteration or unauthorized use of any University documents or records, or any instrument or form of identification.
- (c) intentionally furnishing false information to the University.
- (d) intentionally initiating or causing to be initiated any false report, warning or threat of fire, explosion or other emergency.
- (e) use of force against any person or property or the threat of such force.
- (f) sexual assault or nonconsensual sexual contact.
- (g) hazing. A person is responsible for hazing if, in connection with the training, initiation, or acceptance of applicants to or members of any organization (including, but not limited to fraternal organizations, athletic teams, and student clubs) he/she knowingly or recklessly organizes, promotes, facilitates or engages in any conduct, other than competitive athletic events, which places or may place another person in danger of bodily injury. The consent of the victim shall not be a legitimate defense in hazing incidents.
- (h) Bullying, intimidation, and harassment. A person acts with the purpose to bully, intimidate, and harass another when that person:
 1. makes, or causes to be made, communications (including electronically or through social media) to another person in any manner likely to seriously annoy or cause alarm; or
 2. subjects another person or threatens to subject another person to striking, kicking, shoving, or other offensive touching; or

3. engages in any other course of alarming conduct or repeatedly commits acts with the purpose of seriously annoying or alarming another person.

The behavior should be sufficiently severe, pervasive, or persistent as to substantially disrupt or interfere with the orderly operation of the institution or the rights of students to participate in or benefit from the educational program.

- (i) unauthorized entry into, unauthorized use of, or misuse of University property, including computers and data and voice communication networks.
- (j) intentionally or recklessly endangering the welfare of any individual.
- (k) intentionally or recklessly interfering with any University activity or University sponsored activity. This charge may include any willful act which disrupts or obstructs an academic class or lecture, an administrative or support function or official University event (including studying, teaching, research, meetings, interviews, ceremonies, public events, official University business, or fire, police or emergency services), other creative or productive activities, or public services rendered by the University.
- (l) Intentionally or recklessly starting a fire or misusing fire safety equipment. This violation does not prevent University approved programs which include fire (i.e. approved bonfires).
- (m) use, possession or storage of any weapon, dangerous chemical, fireworks, or explosive, whether or not a federal or state license to possess the same has been issued to the possessor. The possession and storage of personal protection devices such as small containers of Mace, which are permitted under New Jersey law, are specifically excluded from this definition. The legal use of such devices is also excluded from this definition. Law enforcement officials who are authorized by law to carry firearms are also excluded from this definition.
- (n) the distribution of alcohol, narcotics or dangerous drugs on University property or among members of the University community, if such distribution is illegal, or the possession of a sufficiently large quantity as to indicate an intention to distribute illegally. Such prohibited distribution of alcohol shall include providing or facilitating the consumption of alcohol by any person without taking reasonable and prudent precautions to insure that the person is of legal drinking age in New Jersey.
- (o) theft of University services or theft of, or intentional or reckless damage to, University property, or property in the possession of, or owned by, a member of the University community, including the knowing possession of stolen property.
- (p) defamation. Defamation includes unprivileged oral, written, or electronic publication of a false statement of fact that exposes the person about whom it is made to hatred, contempt, or ridicule, or subjects that person to loss of the good will and confidence of others, or so harms that person's reputation as to deter others from associating with him or her.
- (q) violations of federal, state or local law where such violations have an adverse effect on the educational mission of the University.
- (r) failure to comply with the lawful directions of University officials, including campus police officers, acting in performance of their duties.
- (s) knowingly providing false testimony or evidence, disruption or interference with the orderly conduct of a Disciplinary Conference or Hearing, violating the terms of any disciplinary sanction imposed in accordance with this Code, or any other abuse of the University's disciplinary procedures.

- (t) stalking. A person is responsible for stalking if she/he purposely and repeatedly engages in a course of conduct directed at a specific person that would cause a reasonable person to fear bodily injury or death to him or herself or a member of his or her immediate family.
- (u) Making, attempting to make, transmitting, or attempting to transmit audio or video of any person(s) on University premises in bathrooms, showers, bedrooms, or other premises where there is an explicit expectation of privacy with respect to nudity and/or sexual activity, without the knowledge and consent of all participants subject to such recordings.

Non-Separable Offenses

- (v) disorderly conduct on University premises or at University sponsored activities.
- (w) obstruction of the free flow of pedestrian or vehicular traffic on University premises or adjacent to University premises, or at University sponsored activities.
- (x) violations of other published University regulations or policies. Such regulations or policies may include regulations governing the residence hall lease agreement and accompanying regulations, as well as those regulations relating to the use of amplifying equipment, parking office rules and regulations, and regulations governing student organizations.
- (y) illegal use or possession of alcohol or any controlled substance or illegal drug.
- (z) the willful failure or refusal to testify as a witness at a University Disciplinary Hearing or Disciplinary Conference. Witnesses may invoke their privilege against self-incrimination.
- (aa) Undisclosed and unauthorized recording of other individuals within the University community*

*Students are expected to respect the reasonable expectations of privacy of other individuals within the University community. Accordingly, students are not permitted to make or attempt to make an audio or video recording of private, non-public conversations and/or meetings on University premises, without the knowledge and consent of all participants subject to such recordings. In such circumstances the uses of undisclosed hidden recording devices is prohibited, as is the transmission and/or distribution of any such recordings. This provision does not extend to the recording of public events or discussions, or to recordings made for law enforcement purposes.

- 11. Repeated convictions for violations of established University rules and regulations regardless of the seriousness of the individual offense involved, or any aggravated violation, may result in either expulsion or suspension from the University.
- 12. Attempts to commit acts prohibited by this Code or assisting others to commit acts prohibited by this Code shall be treated in the same manner as completed violations and subject to the same sanctions.

SANCTIONS

- 13. Sanctions for violations of disciplinary regulations consist of:
 - (a) Warning: Notice, orally or in writing, that continuation or repetition of prohibited conduct may be cause for additional disciplinary action. Notice of this action may appear on the student's academic transcript for up to one year.
 - (b) Disciplinary Probation: A student who is placed on disciplinary probation may continue to participate in student activities but shall be ineligible to represent the university in any official function or leadership position, including but not limited

to: varsity athletics, student leadership position, cheerleader, standing committee chairperson, university senator, officer of a student government association, or an elected office in any registered student organization. After at least one semester free of behavioral violations, the student may petition the senior student affairs officer for the campus, or designee, for the restriction on participation to be removed as a condition of the probation. Violations of the terms of disciplinary probation, or any other violation of this Code during the period of probation, will normally result in suspension or expulsion from the University. Notice of this action may appear on the student's academic transcript for up to two years.

- (c) Restitution: Repayment to the University or to an affected party for damages resulting from a violation of this Code.
- (d) Suspension: Exclusion from University premises, and other privileges or activities, as set forth in the suspension notice. Suspension is of two types, term and/or conditional. A term suspension shall be for a stipulated period of time after which the student may return to the University community at the commencement of a regular period of study for which he or she is eligible. A conditional separation shall condition re-entry of the student into the University community upon fulfillment of specified requirements. The suspension shall continue until the Director of Student Conduct determines that the conditions have been satisfied. While on term or conditional suspension, a student shall not be permitted to earn credits at any other institution for the purpose of transferring those credits and making progress towards a Rutgers degree. Notice of the suspension shall appear on the student's academic transcript for the term of the suspension and may appear on the student's academic transcript for up to five years.
- (e) Expulsion: Permanent termination of student status, and exclusion from University premises, privileges and activities. This action shall be permanently recorded on the student's academic transcript.
- (f) Other Sanctions: Other sanctions may be imposed instead of, or in addition to, those specified in sections (a) through (e) of this part. For example, students may be subject to removal from University housing for disciplinary violations. Likewise, students may be subject to restrictions upon or denials of University parking privileges for violations involving the use of registration of motor vehicles on campus and the loss of privileges for access to University computers or networks. Service or research projects may also be assigned and the student may be required to attend a specified University class or workshop at his or her own expense. For violations of academic integrity, appropriate academic penalties may also be applied.
- (g) A student may receive more than one sanction for a single incident. For example, a student found responsible of stealing may be suspended, be required to make restitution, and be required to complete some form of community service.

STANDARDS OF DUE PROCESS

- 14. Students subject to expulsion or suspension shall have the right to a University Hearing as specified in Parts 23 - 47 of this Code. Students subject to less severe sanctions will be entitled to a Disciplinary Conference as set forth in Parts 49- 55. Instead of a University Hearing, a student may request to have his or her case referred to a Disciplinary Conference, as set forth in Part 22. Students accused of nonseparable violations of academic integrity shall have the right to an investigative review by a faculty member or Academic Integrity Facilitator as specified in the Rutgers Academic Integrity Policy.

15. The focus of inquiry in disciplinary proceedings shall be to determine whether a student(s) has violated the University Code of Student Conduct. Formal rules of evidence shall not be applicable. Deviations from prescribed procedures shall not invalidate a decision or proceeding unless, in the opinion of the Hearing Officer, significant prejudice to a student respondent resulted from the deviation.

COMPLAINTS AND PRELIMINARY REVIEW

16. Any individual may report a student suspected of violating this Code to the Director of Student Conduct. However, individuals who are not members of the University community may not bring forward a complaint in any proceedings conducted under this Code.
17. Conduct Cases: if the individual initiating the complaint is a member of the University community, excluding members of the University police, he or she will normally be expected to bring forward the complaint and to present relevant evidence in Disciplinary Conferences or Hearings that may result from his/her complaint. The person bringing forward the complaint may request the assistance of a Campus Adviser, as set forth in Parts 55-56 of this Code. A member of the University Community may be appointed by the Director of Student Conduct to bring forward a complaint if a victim of an alleged act is not a community member or is a community member that is unwilling to serve as the complaint party. When a Dean of Students brings forward the complaint that Dean may not conduct the Preliminary Review concurrently.

Academic Integrity Cases: the person bringing forward the complaint shall be the individual initiating the complaint, a Community Advocate from the Honor Council, an Academic Integrity Facilitator, or member of the decanal staff of the respondent's school or college, as set forth in Part 47 of this Code.

18. In all disciplinary matters, except in cases of Interim Suspension as specified in Part 7, there shall be a Preliminary Review of information and evidence that may result in a charge(s) being brought against the student. The purpose of this Review shall be to determine if there is sufficient evidence to proceed with a Hearing. It shall be the responsibility of the person who conducts the Preliminary Review to advise the respondent that:
 - (a) he or she has the right to remain silent throughout any proceedings conducted under this Code and this silence will not be held against him or her; and
 - (b) matters discussed during the Preliminary Review become part of the case record and may be presented during any Hearing or Disciplinary Conference.
19. The Director of Student Conduct shall assign jurisdiction for the Preliminary Review. In conduct cases, the Preliminary Review shall be conducted by a Student Conduct Officer; in academic integrity cases, it shall be conducted by a Student Conduct Officer or Academic Integrity Facilitator.
20. The Student Conduct Officer or Academic Integrity Facilitator conducting the Preliminary Review shall make one of the following determinations:¹
 - (a) dismissal of the complaint. A decision to dismiss the complaint is subject to the discretionary review of the Director of Student Conduct.
 - (b) a charge(s) against the student which, in the Student Conduct Officer's or Academic Integrity Facilitator's opinion, does not include a separable offense. Cases will be addressed as follows:
 - (i) If the case does not involve academic integrity, the matter will be sent for a Disciplinary Conference as outlined in Parts 49-55 of this Code.

- (ii) if the case involves academic integrity the matter will be sent for a review as described in the Academic Integrity Policy and the document "Procedures for Adjudicating Alleged Nonseparable Violations of Academic Integrity".
 - (c) a charge(s) against the student which, in the Student Conduct Officer's or Academic Integrity Facilitator's opinion, may include a separable offense and which shall be referred to a University Hearing as described in Parts 23 – 47.
 - (d) a charge(s) against the student involving both separable and non-separable offenses, which offenses are related to a single incident or set of incidents, which shall be referred to a University Hearing as described in Parts 23 - 47 or a Disciplinary Conference as described in Parts 49 – 55.
 - (e) a decision to defer disciplinary proceedings for alleged minor violations of this Code for a period not to exceed ninety days. Pending charges may be withdrawn or pursued on or before the ninetieth day, at the discretion of the Student Conduct Officer or Academic Integrity Facilitator. Students may be referred for dispute resolution during this period. If the dispute resolution is successful, the disciplinary charges may be dropped.
 - (f) If the individual conducting the Preliminary Review makes the determination that the charges warrant a University Hearing or Disciplinary Conference, he or she may recommend to the Director of Student Conduct that a hold be put on the student's transcript, including the awarding of the student's degree, until the Hearing process is complete.
21. Disciplinary matters may be disposed of without the initiation of any formal hearing process if the individual conducting the Preliminary Review determines that there is not adequate cause or evidence to proceed with a formal Hearing (see Part 20 (a)), if the respondent acknowledges engaging in conduct prohibited by the Code, or if the respondent elects not to contest the charge(s). If the respondent acknowledges engaging in prohibited conduct or elects not to contest the charges, the individual conducting the Preliminary Review may assign any of the sanctions specified in Part 13. Any disciplinary determination for suspension or expulsion, as specified in Parts 13 (d) and (e), constitutes a recommendation to the Senior Student Affairs Officer (in conduct cases) or to the appropriate Chief Academic Officer (in academic integrity cases). Prior to acting upon a sanction recommendation from the Student Conduct Officer who conducts the Preliminary Review, the Senior Student Affairs Officer or Chief Academic Officer shall give the respondent and the person bringing forward the complaint at least five working days to submit written statements concerning the sanction. The Senior Student Affairs Officer or Chief Academic Officer may also solicit written comments from the Student Conduct Officer who conducted the Preliminary Review and the Director of Student Conduct. The Senior Student Affairs Officer or Chief Academic Officer shall mail notice of his/her decision to the student in a timely fashion and a copy shall be sent to the Student Conduct Officer who conducted the Preliminary Review and the Director of Student Conduct. This notice shall include a brief explanation of the Senior Student Affairs Officer's or Chief Academic Officer's rationale for his/ her decision. In reaching his/her decision, the Senior Student Affairs Officer or Chief Academic Officer shall also take note of the student's prior disciplinary record and the penalties provided in previous cases involving similar offenses. Any appeal of a sanction determination made by the Senior Student Affairs Officer or the Chief Academic Officer for a respondent who acknowledges engaging in prohibited conduct or who elects not to contest the charges, shall be directed to the Appeals Committee at the campus of the student's registration pursuant to Part 56 of this Code. In such cases, appeals only will be considered on the ground that the sanction may be grossly disproportionate to the offense.
22. For cases which are referred to a University Hearing in Part 20, a respondent may request instead to have his or her case referred to a Disciplinary Conference as described in Parts 49-55 of this Code. Such requests shall not be granted unless the Student Conduct Officer has obtained the agreement of the person bringing forward the complaint.

UNIVERSITY HEARING BOARD PROCEDURES

23. The intent of University Hearings is to provide the University community a forum in which alleged incidents of student misconduct may be reviewed. Except as specified in Part 31, University Hearings shall take place before a Hearing Board comprised of individuals from the regional campus of the University in which the respondent(s) is enrolled. University Hearings give the Hearing Board an opportunity to determine the relevant facts in a case upon which they may make an informed decision. To this end, both the Hearing Officer and members of the Hearing Board are expected to play investigatory and adjudicative roles. They shall be allowed to call witnesses, to question the person bringing forward the complaint, and to question any witnesses appearing at a Hearing in an effort to determine the relevant facts about the Complaint Initiator's charge(s) and the respondent's response. The Hearing Officer and the Hearing Board shall also be allowed to question the respondent if he/she waives his/her privilege against self-incrimination. It shall be the responsibility of the Hearing Officer to advise the respondent that he or she has the right to remain silent.
24. It shall be the responsibility of the Director of Student Conduct to develop and train a pool of qualified individuals to serve as Hearing Officers.
25. The Director of Student Conduct shall be responsible for annually assembling and training a pool of qualified students, faculty, and staff eligible to serve on University Hearing Boards.
26. When a University Hearing is to be convened, three students and two faculty members or staff members (staff members for non-academic integrity cases only) shall be selected from the pools described in Part 25 of this Code to serve as a Hearing Board. Should a selected individual be unable to serve for any reason, his/her replacement shall be assigned by the Director of Student Conduct from the appropriate Hearing Board pool. If a Hearing Board member becomes unable to serve once a Hearing has commenced, the Hearing may proceed or continue provided that there remains a minimum of two students and one faculty member on the Board.
27. The Director of Student Conduct may appoint Ad Hoc Hearing Boards whenever any University Hearing Board is not constituted, is unable to obtain a quorum, or is otherwise unable to hear a case. Ad Hoc Hearing Boards shall consist of a minimum of two students and one faculty member (or one staff member for non-academic integrity cases) and a maximum of three students and two faculty members (or two staff members, or a combination of faculty and staff members for non-academic integrity cases). Ad Hoc Hearing Boards may consist of members of the University community who are not part of the Hearing Board pool assembled in accordance with Part 25 of this Code.
28. Hearing Officers or Hearing Board members who are charged with a violation of this Code or a criminal offense may be suspended from their positions by the Director of Student Conduct, or his or her designee, during the pendency of the charges against them. Members found guilty of any such violation or offense will be disqualified from further participation in University disciplinary proceedings by the Director of Student Conduct or his or her designee. The Director of Student Conduct may establish additional grounds and procedures for removal.
29. The Director of Student Conduct shall give the respondent(s) notice of the Hearing and the specific charges against the student(s) at least ten working days in advance of the Hearing date. This notice shall contain: a statement of the charge(s) to be presented at the Hearing in sufficient detail to enable the student(s) to understand the nature of the offense(s) charged; the names of the Hearing Officer and the members of the Hearing Board for the case in question; the date, time and place of the Hearing; a listing of the names and addresses of available Campus Advisers and Student Advocates; the link to review this document or a hard copy upon request; and a list of the names of the

witnesses who will testify at the Hearing on behalf of the person bringing forward the complaint and a brief summary of the facts to which each will testify. Within five working days of the receipt of notice, the respondent(s) shall supply the Director of Student Conduct a list of witnesses who will testify on his/her behalf and a brief summary of the facts to which each will testify. The Hearing Officer may, at his or her discretion, allow a respondent(s) a greater period of time in which to prepare a list of witnesses. Witnesses whose names have not been submitted in accord with this provision will be allowed to testify only at the discretion of the Hearing Officer.

30. Any party may challenge the Hearing Officer or a member of the Hearing Board on the ground of personal bias by delivering a written statement setting forth the facts on which he or she relies to the Director of Student Conduct at least five working days prior to the scheduled date of the Hearing. The term "personal bias" means animosity toward a party or favoritism toward the opposite party. The Director shall determine whether the facts presented are grounds for disqualification and his/her decision shall not be subject to appeal. In the event of the disqualification of a Hearing Officer, the Director of Student Conduct shall assign a new Hearing Officer. In the event of a disqualification of a member of the Hearing Board, a replacement will be assigned by the Director of Student Conduct from the appropriate Hearing Board pool.
31. Where more than one student is charged with an offense arising from a single occurrence or, in the opinion of the Director of Student Conduct, out of connected occurrences, a single Hearing may be held for all students so charged. The Director of Student Conduct will establish the site of this Hearing. At least five working days before the scheduled Hearing, any student charged may make written application to the Director of Student Conduct for a separate Hearing setting forth the facts on which he or she relies to demonstrate that a consolidated Hearing would prejudice him or her. The decision of the Director of Student Conduct shall not be subject to appeal.
32. Respondents and persons bringing forward the complaints shall be accorded reasonable access to the case file, which will be retained in the office of the Director of Student Conduct. The case file shall contain a written summary of the Preliminary Review, as described in Parts 18 – 20. This summary also will be made available to the Hearing Officer and members of the Hearing Board or the individual conducting the Disciplinary Conference. Copies of Rutgers University Police Department reports will not be provided to any individual involved in a Hearing or Conference under this Code without the approval of the chief of the Rutgers University Police Department or his/her designee. Reports that are not made available to the accused cannot be used as evidence in any Hearing or Conference.
33. Written applications setting forth good cause may be made to the Hearing Officer by either party for a postponement of the scheduled Hearing. Except in emergency situations, no application for a postponement shall be considered unless received at least five working days before the scheduled Hearing date. The decision of the Hearing Officer shall not be subject to appeal.
34. At least five working days before the scheduled Hearing, respondents and persons bringing forward complaints shall inform the Director of Student Conduct of their choice of adviser (Part 54), and/or support person, if any, who will assist them in the Hearing. The respondent shall be free to pick any member of the University community as his/her Campus Adviser.
35. The Hearing Officer:
 - (a) shall conduct the University Hearing in such a manner as to insure a fair Hearing to all concerned. He/she shall take all necessary action to maintain an orderly Hearing.

- (b) shall exercise control over the proceedings to avoid needless consumption of time and to achieve orderly completion of the Hearing. The Hearing Officer may exclude any person, including the respondent, who disrupts a Hearing.
 - (c) may summon witnesses upon the request of either party or the referring Student Conduct Officer or Academic Integrity Facilitator. The Hearing Officer may also summon additional witnesses who he/she believes may provide pertinent information. A notice to appear as a witness may be delivered by any reasonable means, including e-mail, hand delivery or first class mail to the individual's most recent campus or home address as it appears in University records. Members of the University community are expected to comply with a summons issued pursuant to this procedure, unless compliance would result in significant and unavoidable hardship. If either party believes that a fair Hearing cannot be held without the testimony of a particular witness and, after good faith attempts are made, the witness either fails to or refuses to appear, the Hearing Officer may postpone the Hearing until the witness agrees to appear, he/she may dismiss the charges against the respondent, or he/she may direct that the Hearing proceed without the witness.
 - (d) shall make all necessary rulings on evidence. In the exercise of this responsibility, the following general guidelines shall apply. Formal rules of evidence shall not be applicable in disciplinary proceedings conducted pursuant to this Code. The Hearing Officer shall respect the rules of confidentiality and privilege, but shall otherwise admit all matters into evidence which reasonable persons would accept as having probative value in the conduct of their affairs. The Hearing Officer may exclude evidence if its probative value is substantially outweighed by its potential to cause unfair prejudice, confusion, or needless delay of the Hearing. In cases involving allegations of sexual assault, the Hearing Officer will ensure that protections afforded under New Jersey's "Rape Shield Law" are followed.
 - (e) shall advise the respondent at the beginning of the Hearing that he or she has the right to remain silent.
36. Respondents who fail to appear after proper notice shall be deemed to have pled no contest to the charges pending against them. Nonetheless, the person bringing forward the complaint shall be required to present evidence to demonstrate that the respondent probably engaged in the conduct that is the subject of the charge.
37. University Hearings shall ordinarily be closed to the public, except for the respondent, the respondent's Adviser, the respondent's support person, the person bringing forward the complaint, that person's Adviser and support person, the Director of Student Conduct, and the Student Conduct Officer or Academic Integrity Facilitator who conducted the Preliminary Review. The respondent and the person bringing forward the complaint may each petition the Hearing Officer to admit one additional support person. If the victim of an alleged act of misconduct is not the person bringing forward the complaint, the Hearing Officer may also allow the victim to attend, subject to Part 55 of this Code. An open Hearing will be held if requested by the respondent unless the victim or person bringing forward the complaint objects. In such cases, the Director of Student Conduct will be responsible for determining whether the Hearing is open or closed.
38. A recording of the Hearing, but not the closed deliberations of the Hearing Board, shall ordinarily be made and shall be preserved in the custody of the Director of Student Conduct. If a recording is not made for any reason, the decision of the Board must include a summary of the testimony and shall be sufficiently detailed to permit review by the Senior Student Affairs Officer, Chief Academic Officer, or Appeals Committee.
39. Witnesses shall be asked to affirm that their testimony is truthful and may be subject to charges of intentionally providing false information to the University, pursuant to Part 10 (s) of this Code.

40. The Hearing Officer and members of the Hearing Board shall be accorded an opportunity to question all witnesses who testify at a Hearing. After the Hearing Officer and the Hearing Board have completed their initial questioning of a witness, the person bringing forward the complaint and then the respondent, will be accorded an opportunity to question that witness.
41. Prospective witnesses other than the victim(s) shall ordinarily be excluded from the Hearing during the testimony of other witnesses. Under highly unusual circumstances the Hearing Officer, in his/her discretion may choose not to exclude one or more witnesses during the testimony of other witnesses. If a victim will be present during a Hearing, that victim will ordinarily be the first witness to present testimony and to be subject to questioning.
42. Affidavits shall only be admitted into evidence if signed by the affiant and witnessed by the referring Student Conduct Officer, Academic Integrity Facilitator, or a notary. Unless the individual making the affidavit personally appears at the Hearing, it may be used for the purpose of supplementing or explaining other evidence only, but shall not be sufficient to support a finding by itself.
43. It is not necessary to prove matters in a Hearing or Conference that would be common knowledge to members of the University community.
44. At the completion of the presentation of all the facts on the charge(s), the Hearing Board shall retire to closed deliberations. Hearing Board deliberations shall not be recorded or transcribed. Each respondent shall be regarded as not responsible unless the Hearing Board determines the contrary based on the facts adduced at the Hearing. The decision shall be by majority vote. Each Board member shall vote and may not abstain. The Hearing Officer and the Director of Student Conduct shall not be considered voting members of the Hearing Board and the Director of Student Conduct shall not be present in the hearing room during the Hearing Board's deliberations regarding the finding. Both the Hearing Officer and the Director of Student Conduct shall be available to the Hearing Board to entertain clarification questions or questions of a technical nature. The Hearing Officer may reconvene the hearing with all parties present, if he/she feels it is appropriate to have the question(s) answered on the record.
45. The standard of preponderance of information shall be employed in all Hearings and Conferences conducted under this Code. This standard requires that the Hearing Board (the Student Conduct Officer in Disciplinary Conferences) be persuaded that it is more likely than not that the allegations brought against the respondent are true.
46. The decision shall be read by a member of the Hearing Board in a reconvened University Hearing and a copy provided to the respondent either at the hearing or as soon thereafter as is practical. The victim, if any, and the person bringing forward the complaint may be present during the reading of the Hearing Board's decision; however, other witnesses will be excluded. The determination of the Board with respect to each charge shall be supported by a brief written summary of the findings relied upon by the Hearing Board. The written summary will be placed in the case file and made available to the respondent.

UNIVERSITY HEARING BOARD PROCEDURES (ACADEMIC INTEGRITY CASES)

47. The procedures for University Hearings for alleged separable violations of academic integrity are the same as the Hearing Board procedures for conduct cases delineated in Parts 23 through 46 of this Code with the following exceptions and modifications:
 - (a) The respondent shall ordinarily choose his or her Adviser from among trained Campus Advisers or trained Student Advocates from the Honor Council. The respondent may request the Director of Student Conduct to allow another member of the University community to serve as his or her Adviser. If the

student does not choose an adviser, the Office of Student Conduct will make available a resource to him/her before the hearing to go over the process and answer questions.

- (b) The faculty member or other member of the University community who initiates the complaint ordinarily will have two options with respect to his or her role in the Hearing: (i) elect to bring forward the complaint, with the assistance of a Campus Adviser if desired, or (ii) request that a Community Advocate from the Honor Council bring forward the complaint. If no Community Advocate is available, an Academic Integrity Facilitator or member of the decanal staff of the respondent's school or college may bring forward the complaint.
- (c) A faculty member or other member of the University Community who initiates a complaint but elects not to bring forward the complaint shall be required to serve as a witness at the Hearing and may be present during the testimony of other witnesses.
- (d) In addition to the respondent and the person bringing forward the complaint, the individual who initiated the complaint may be present during the reading of the Hearing Board's decision.
- (e) The makeup of the University Hearing Board shall only include faculty and students; staff members may not serve on Academic Integrity Policy violation hearings.

DETERMINATION OF SANCTIONS

48. Any determination of responsibility will generally be immediately followed by a supplemental proceeding in which the respondent, the person bringing forward the complaint, the victim (if he or she is not the person bringing forward the complaint), the referring Student Conduct Officer or Academic Integrity Facilitator, and the Director of Student Conduct may submit evidence or make statements concerning the appropriate sanction to be imposed. The past disciplinary record of the respondent shall be supplied to the Board by the referring Student Conduct Officer only if a determination of responsibility has been reached. A student's "disciplinary record" includes only those incidents where the student either has admitted responsibility or has been determined to be responsible for a previous violation of the University Code of Student Conduct.

At the completion of any presentations, the Hearing Board shall retire to closed deliberations to determine a recommended sanction, which shall be forwarded to the Senior Student Affairs Officer (in conduct cases) or the Chief Academic Officer (in academic integrity cases), as well as to the person bringing forward the complaint, the respondent, and Hearing Officer, and the Director of Student Conduct. The recommended sanction shall be by majority vote and each Board member shall vote and may not abstain. Neither the Hearing Officer nor the Director of Student Conduct shall be considered voting members of the Hearing Board and the Director of Student Conduct shall not be present in the hearing room during the Hearing Board's deliberation regarding the sanction. Both the Hearing Officer and the Director of Student Conduct shall be available to the Hearing Board to entertain clarification questions or other questions of a technical nature. The Hearing Officer may reconvene the hearing with all parties present, if he/she feels it is appropriate to have the question(s) answered on the record.

Prior to acting upon such recommendation, the Senior Student Affairs Officer or Chief Academic Officer shall give the respondent and the person bringing forward the complaint at least five working days to submit written statements concerning the sanction recommended by the Hearing Board. The Senior Student Affairs Officer or Chief Academic Officer may also solicit written comments from the Hearing Officer assigned to the case and/or the individual who conducted the Preliminary Review. The Senior

Student Affairs Officer or Chief Academic Officer shall mail notice of his/her decision to the student in a timely fashion and a copy shall be sent to the Student Conduct Officer who conducted the Preliminary Review. This notice shall include a brief explanation of the Senior Student Affairs Officer's or Chief Academic Officer's rationale for his/her decision. In reaching his/her decision, the Senior Student Affairs Officer or Chief Academic Officer shall also take note of the student's prior disciplinary record and the penalties provided in previous cases involving similar offenses.

DISCIPLINARY CONFERENCES

49. Students charged with a non-separable conduct offense (Part 10 (v) through (aa)) who contest the charge will be referred to a Disciplinary Conference. Additionally, students charged with separable offenses (Part 10 (a) through (u)) who have been referred to a University Hearing may request instead to have their case referred to a Disciplinary Conference. Requests for Disciplinary Conferences shall not be granted unless the Student Conduct Officer has obtained the agreement of the person bringing forward the complaint.

The Disciplinary Conference is designed to reduce unnecessary proceduralism and contentiousness in disciplinary proceedings. A Disciplinary Conference is an informal, non-adversarial hearing usually conducted between the respondent and the Student Conduct Officer assigned by the Director of Student Conduct. Either the respondent or person bringing forward the complaint may challenge the Student Conduct Officer on the basis of personal bias according to the same procedures set forth for challenging Hearing Officers (see Part 30). In the event of the disqualification of the Student Conduct Officer, the Director of Student Conduct shall designate a replacement who will be a member of the University community who has been trained to serve in this capacity.

Complaint initiators would not be required to participate in the Disciplinary Conference, unless questioning was necessary to resolve a dispositive factual issue. In such cases, that person may be accompanied by a Campus Adviser. Documentary evidence and written statements could be relied upon, so long as the respondent was given access to them in advance, and allowed to respond to them at the Conference.

The Student Conduct Officer shall conduct the Disciplinary Conference in such a manner as to insure a fair conference to all concerned and shall exercise control over the process to avoid needless consumption of time and to achieve orderly completion of the Disciplinary Conference. The standard of proof shall be preponderance of information as more fully explained in Part 45.

50. In the event of a Disciplinary Conference, the respondent shall be accorded the following procedural protections:
- (a) written notice of charges at least five working days prior to the scheduled Disciplinary Conference.
 - (b) reasonable access to the case file prior to and during the Disciplinary Conference, subject to Part 32 of this Code. Copies of Rutgers University Police Department reports will not be provided to any individual involved in a Hearing or Conference under this Code without the approval of the chief of the Rutgers University Police Department or his/her designee. Reports that are not made available to the accused cannot be used as evidence in any Hearing or Conference.
 - (c) an opportunity to respond to the evidence against him or her and to call appropriate witnesses on his or her behalf.
 - (d) the right to be supported by an attorney as provided in Part 53 of this Code.
 - (e) the right to be assisted by an adviser, as provided in Part 53-55 of this Code.

- (f) the right to appeal the determination of responsibility or the sanction in accordance with Parts 56-66 of this Code.
 - (g) the right to challenge the Student Conduct Officer on the basis of personal bias according to the same procedures set forth for challenging Hearing Officers (see Part 30). In the event of the disqualification of the Student Conduct Officer, the Director of Student Conduct shall designate a replacement who will be a member of the University community who has been trained to serve in this capacity.
51. Any of the sanctions specified in Part 13 may be assigned as the result of a Disciplinary Conference, except that the sanctions of suspension and expulsion are not available when a student is charged with only non-separable offenses (See Part 10 (v) through (aa)). Written notice of the decision and of any sanction imposed shall be mailed to the student charged and a copy shall be sent to the Director of Student Conduct. Any disciplinary determination for suspension or expulsion as specified in Parts 13 (d) and (e) of this Code, constitutes a recommendation to the Senior Student Affairs Officer (in conduct cases) or the Chief Academic Officer (in academic integrity cases).
 52. A recording of the Disciplinary Conference shall ordinarily be made and shall be preserved in the custody of the Director of Student Conduct. If a recording is not made for any reason, the decision of the Student Conduct Officer conducting the Disciplinary Conference must include a summary of the testimony that shall be sufficiently detailed to permit review.

SUPPORT PERSONS AND ADVISERS

53. Both the person bringing the complaint and respondents may have an attorney serve as a support person. The role of this attorney shall be limited to consultation and he/she may not address Hearing Officers, Hearing Boards, speak in Disciplinary Conferences, or question witnesses.
54. The Director of Student Conduct will maintain a list of qualified individuals who are currently eligible to serve as Campus Advisers, Community Advocates, and Student Advocates and who may be selected to assist individuals bringing forward complaints or respondents in Disciplinary Conferences or University Hearings on any campus. In Academic Integrity cases, Community Advocates and Student Advocates shall be allowed to speak in Disciplinary Conferences and Hearings, make procedural objections, question witnesses, and make opening and closing statements. Campus Advisors are there to assist but do not have speaking roles during non-academic integrity cases. If a person bringing a complaint or a responding student needs additional assistance from a Campus Adviser in the form of an accommodation, the student is instructed to speak with the Director of Student Conduct.
55. Any respondent or person bringing forward a complaint in a Disciplinary Conference or University Hearing shall have the option of selecting the Campus Adviser of his or her choice from the trained corps of Advisers described in Part 54 of this Code.
 - (a) In conduct cases, the respondent or person bringing forward the complaint shall also have the option of selecting an Adviser from the University community at large.
 - (b) In academic integrity cases, the respondent and person bringing forward the complaint may choose an Adviser who is not on the list of Campus Advisers/Community Advocates/Student Advocates maintained by the Office of Student Conduct only with the approval of the Director of Student Conduct.
 - (c) If the victim of an alleged instance of misconduct is not the person bringing forward the complaint, he/she may have a support person present, but shall not be entitled to have a Campus Adviser or attorney present at any Hearing.

- (d) As a matter of University policy, the conversations between a Campus Adviser, Student Advocate, or Community Advocate and a person being assisted by that person in a Hearing or Conference under this Code will be deemed confidential in subsequent University proceedings.

APPEAL PROCEDURES

56. Any determination of responsibility by a University Hearing Board or by a Student Conduct Officer conducting a Disciplinary Conference for a separable offense (Part 10 (a) through (u)) or determination of sanction by the Senior Student Affairs Officer or the Chief Academic Officer may be appealed to the Appeals Committee of the regional campus of the student's registration, as described in Part 76 – 77.
57. Appeals of decisions made by Student Conduct Officers in Disciplinary Conferences for non-separable conduct offenses will be referred to the Director of Student Conduct in New Brunswick and to the Chancellor for cases involving students registered in Newark or in Camden. The appeals procedures to be followed on each campus are available in the Office of Student Conduct.
58. Appeals of findings of responsibility and/or sanctions selected by faculty members or Academic Integrity Facilitators for nonseparable violations of academic integrity will be referred to the appropriate Campus Appeals Committee for consideration under the procedures specified in the Rutgers Academic Integrity Policy and the document "Procedures for Adjudicating Alleged Nonseparable Violations of Academic Integrity."
59. Requests for appeals must be submitted in writing to the Director of Student Conduct, who will transmit the appeal to the appropriate appeals venue. Such requests must be received within ten working days from the date of the letter notifying the respondent of the finding and sanction. Respondents may appeal on any or all of the following grounds:
- (a) appeal the finding that the Respondent violated the Code;
 - (b) appeal the sanction imposed; and
 - (c) appeal on the basis of specified procedural errors in the disciplinary process.

Failure to appeal within the allotted time will render the original decision final and conclusive. An appellant may request an extension of the deadline for filing his/her appeal by written application to the Director of Student Conduct stating the reason(s) why such an extension is needed. Under unusual circumstances the Director may grant such a delay.

60. The Appeals Committee may solicit written clarification on any issue raised on appeal from the Hearing Officer assigned to the case, the individual who conducted the Preliminary Review or Disciplinary Conference, the Senior Student Affairs Officer or the Chief Academic Officer, the Director of Student Conduct, the respondent, and/or the complaint initiator. Such written comments shall be retained as part of the case record.
61. In the preparation of an appeal, the respondent may have access to the recorded proceedings of the University Hearing or Disciplinary Conference. The respondent may not have custody of the original recording, but may obtain a copy from the Director of Student Conduct.
62. Appeals shall be decided upon the record of the original proceeding and upon written briefs submitted by any of the parties described in Part 60. The Appeals Committee shall not conduct a new hearing.

63. If the finding of responsibility is being appealed, the Appeals Committee may:
- (a) affirm the finding of the Hearing Board or Student Conduct Officer and the sanction imposed by the Student Conduct Officer or Senior Student Affairs Officer or Chief Academic Officer.
 - (b) affirm the finding and remand the determination of sanction to the Student Conduct Officer or Senior Student Affairs Officer or Chief Academic Officer. On remand, neither the Student Conduct Officer nor the Senior Student Affairs Officer may increase the sanction originally imposed.
 - (c) remand the case for a new Hearing or Disciplinary Conference.
64. Deference shall be given to the determinations of Hearing Boards and Student Conduct Officers concerning findings of responsibility and to the Student Conduct Officer and Senior Student Affairs Officer or Chief Academic Officer concerning the determination of sanctions.
- (a) Sanctions may only be remanded if found to be grossly disproportionate to the offense.
 - (b) Cases may be remanded to the original Hearing Board or Student Conduct Officer who conducted the Disciplinary Conference if new and significant evidence becomes available which could not have been discovered by a properly diligent respondent before or during the original Hearing or Conference or if specified procedural errors or errors in interpretation of University regulations were so substantial as to effectively deny the respondent a fair Hearing or Conference. In the latter case, the Hearing Board or Student Conduct Officer will be directed by the Appeals Committee not to repeat the specified errors that caused the remand. If the finding of the original Hearing Board or Student Conduct Officer is held to be arbitrary and capricious, the case shall be remanded to a new Hearing Board or Student Conduct Officer. In this case, no indication or record of the previous Hearing will be introduced or provided to members of the new Hearing Board or Student Conduct Officer, except to impeach contradictory testimony at the discretion of the Hearing Officer.
65. The Appeals Committee will generally be expected to mail notice of its decision to the Respondent within fifteen working days of the filing of the appeal by the respondent. A copy shall be sent to the Senior Student Affairs Officer or Chief Academic Officer and Director of Student Conduct. In cases where a respondent is found to have violated the Academic Integrity Policy, the faculty member(s) of the affected course(s) will also be notified.
66. Within ten working days of the decision of the Appeals Committee, the respondent may petition the President of the University in writing, to review the finding and/or sanction. The decision to review or not to review shall be solely within the discretion of the President.
67. At the discretion of the Senior Student Affairs Officer or the Chief Academic Officer, the imposition of sanctions will normally be deferred during any appellate proceedings and the status of a student shall not change until the avenues of appeal described in this Code have been exhausted, except that a hold may be put on a student's transcript and no degree will be awarded to the student pending completion of the appeals process. Once these avenues have been exhausted, or when a respondent elects to forego further appeal, it shall be the responsibility of the Director of Student Conduct to oversee the implementation of the imposed sanction. Where permitted by state and federal laws, the Director of Student Conduct may notify the victim of an act of student misconduct of any sanction imposed.

CLEMENCY FOR EXPULSION

68. 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.

The University recognizes that, following a long separation from the University, people may change. Consequently, it is appropriate that the University consider granting clemency to expelled former students in circumstances where they are able to provide significant evidence of rehabilitation and a renewed commitment to the standards of conduct and scholarship expected of Rutgers students. For the purposes of this document, a petition for clemency is a procedure whereby the expelled individual requests the opportunity to complete her/his degree, and asks the University to consider new circumstances and facts that might alter the original sanction.

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

1. The individual must wait a minimum of four (4) 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 Executive Vice President for the New Brunswick/Piscataway Campus or to the Chancellor in Camden or Newark, hereafter referred to as the Clemency Officer. The written request should include appropriate documentation concerning the individual's status during the intervening years since the expulsion, any additional mitigating circumstances with appropriate documentation, and any additional information about character or change of behavior that may be appropriate. This documentation may include records pertaining to mental health status, employment, criminal or probation records, educational records, social service records, and letters of recommendation. NOTE: A victim impact statement will be allowable if relevant. The Clemency Officer should arrange for its inclusion in the assembled documents.
3. Upon receipt of the request for clemency, the Clemency Officer may consult with whomever s/he wishes and may empower an advisory panel to advise her/him. The Clemency Officer or advisory panel will review the request for clemency, and may conduct a personal interview with the individual, and/or conduct other forms of inquiry as needed.
4. The Clemency Officer will make a recommendation to the President on clemency including specific conditions, if any, for admission/re-admission.
5. The final decision (with any special conditions) will be made by the President and transmitted to the Clemency Officer on the campus from which the individual was expelled.
6. The decision of the President is final.

If clemency is granted, the individual will be readmitted to the University and to the school, program, or successor unit from which s/he was expelled (assuming s/he is academically qualified for re-enrollment). If the individual wants to attend a different academic unit within the University, s/he will be subject to the same requirements and approval processes of any current student. S/he will remain on disciplinary probation,

noted on the transcript, until the degree is completed, at which time it will be removed as will the notation regarding the original expulsion. The individual must meet whatever graduation requirements are in place at the time of readmission. The President may impose additional conditions on the individual's readmission.

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.

DISCIPLINARY FILES AND RECORDS

69. Case referrals may result in the development of a disciplinary file in the name of the respondent, which shall be voided if the respondent is found not responsible for the charges. Voided files shall be so marked, shall not be kept with active disciplinary records, and shall not leave any student with a disciplinary record. Voided files will be destroyed at the end of six years.
70. The disciplinary files of respondents found responsible for any charges against them shall be retained as a disciplinary record for a minimum of three years from the date of the letter providing notice of final disciplinary action. Disciplinary records may be reported to third parties, in accordance with University regulations and subject to the Family Educational Rights and Privacy Act of 1974.
71. After all the terms of a sanction have been fulfilled, disciplinary records may be voided by the Senior Student Affairs Officer (in conduct cases) or by the Chief Academic Officer (in academic integrity cases) for good cause, upon written petition of respondents. Factors to be considered in review of such petitions shall include:
 - (a) the present conduct of the respondent.
 - (b) the conduct of the respondent subsequent to the violation.
 - (c) the nature of the violation and the severity of any damage, injury, or harm resulting from it.

TRANSCRIPT NOTATIONS

72. A hold may be placed on a student's University records by the Director of Student Conduct while disciplinary proceedings are pending.
73. Permanent notation of disciplinary action shall be made on the transcript whenever a student is expelled and as otherwise provided in Part 13. Transcript notations of disciplinary action will also be made if a suspension is implemented. When the transcript notation has expired, the notation will be removed.

COMMITTEE ON STUDENT CONDUCT

74. The Committee on Student Conduct will be a standing University-wide committee that will be responsible for advising the Vice President for Student Affairs on issues pertaining to student discipline. The duties of the Committee on Student Conduct include reviewing this Code and suggesting appropriate amendments or modifications.
75. The Vice President for Student Affairs shall annually appoint the members of the Committee on Student Conduct. Members may be reappointed at the discretion of the Vice President for Student Affairs.
76. It will be the responsibility of the Vice President for Student Affairs to inform the University Senate, the President and the Board of Governors of any substantive changes in the student disciplinary process recommended by the Committee on Student Conduct review.

APPEALS COMMITTEE

77. Each regional campus shall have its own Appeals Committee, composed of faculty members, undergraduate students, graduate students, staff members, and administrators. Panels selected from the Campus Appeals Committee shall consider appeals of determinations of responsibility and/or sanction for separable offenses as set forth in Parts 56-66 of this Code and shall consider appeals of determinations of responsibility and/or sanction for nonseparable violations of academic integrity as set forth in the Rutgers Academic Integrity Policy.

The Chancellor on each campus will be responsible for establishing reasonable and fair procedures by which members of the Appeals Committee shall be appointed or selected on their campus.

78. Appeals shall be referred to the Appeals Committee of the respondent's regional campus.
- (a) In separable conduct cases, the appeal shall be considered by a panel consisting of one faculty member, one administrator, and one student. If the respondent is an undergraduate student, the student member of the panel shall be an undergraduate student; if the respondent is a graduate student, the student member of the panel shall be a graduate student.
 - (b) In separable academic integrity cases, the appeal shall be considered by a panel consisting of one faculty member and two students. If the respondent is a graduate student, at least one of the students on the panel shall be a graduate student.
 - (c) In nonseparable academic integrity cases, the appeal shall be considered by a panel consisting of two students, one faculty member, and one nonvoting staff member called the Staff Investigator.
 - (d) Committee members who, in the opinion of the Director of Student Conduct, have played any role in a particular case shall be disqualified from the appeal process.

APPENDIX I

RUTGERS UNIVERSITY INTERIM ACADEMIC INTEGRITY POLICY ¹ (Posted as University Policy 10.2.13)

I. ACADEMIC INTEGRITY

Academic integrity is essential to the success of the educational enterprise and breaches of academic integrity constitute serious offenses against the academic community. Every member of that community bears a responsibility for ensuring that the highest standards of academic integrity are upheld. Only through a genuine partnership among students, faculty, staff, and administrators will the University be able to maintain the necessary commitment to academic integrity.

The University administration is responsible for making academic integrity an institutional priority and for providing students and faculty with effective educational programs and support services to help them fully understand and address issues of academic integrity. The administration is also responsible for working with other members of the academic community to establish equitable and effective procedures to deal with violations of academic integrity.

The faculty shares the responsibility for educating students about the importance and principles of academic integrity. Individual faculty members² are also responsible for informing students of the particular expectations regarding academic integrity within individual courses, including permissible limits of student collaboration and, where relevant, acceptable citation format. Finally, all members of the faculty should report all violations of academic integrity they encounter.

Students are responsible for understanding the principles of academic integrity fully and abiding by them in all their work at the University. Students are also encouraged to report alleged violations of academic integrity to the faculty member teaching the course in which the violation is alleged to have occurred.

II. VIOLATIONS OF ACADEMIC INTEGRITY

Various ways in which academic integrity can be violated are described below. The comments and examples within each section provide explanations and illustrative material, but do not exhaust the scope of possible violations. For context and specific details, the University Code of Student Conduct as well as the Office of Student Conduct website (<http://studentconduct.rutgers.edu>) should be consulted.

A. Cheating

Cheating is the use of impermissible and/or unacknowledged materials, information, or study aids in any academic activity. Using books, notes, calculators, conversations with others, etc. when their use is restricted or forbidden, constitutes cheating. Similarly, students may not request others (including commercial term paper companies) to conduct research or prepare any work for them. Students may not submit identical work, or portions thereof, for credit or honors more than once without prior approval of the instructor to whom the work is being submitted for the second or subsequent time.

¹ This interim academic integrity policy was approved by the Rutgers University Senate for adoption for a period of two years, effective September 1, 2008. After the two-year period, the policy will cease to be in force unless reapproved by the Senate for an additional period.

² For purposes of the Academic Integrity Policy, the term faculty member includes not only tenured, tenure-track, and nontenure-track faculty members, but also part-time lecturers, TAs, staff members, and administrators who are serving as the instructor of record in a course (i.e., the instructor responsible for assigning final course grades).

B. Fabrication

Fabrication is the falsification or invention of any information or citation in an academic work. "Invented" information may not be used in any laboratory report or other academic work without authorization from the instructor. It is improper, for example, to analyze one sample in an experiment and "invent" data based on that single experiment for several more required analyses. Students must also acknowledge the actual source from which cited information was obtained. A student should not, for example, reproduce a quotation from a book review and claim that the quotation was obtained from the book itself.

C. Plagiarism

Plagiarism is the representation of the words or ideas of another as one's own in any academic work. To avoid plagiarism, every direct quotation must be identified by quotation marks, or by appropriate indentation, and must be cited properly according to the accepted format for the particular discipline. Acknowledgment is also required when material from any source is paraphrased or summarized in whole or in part in one's own words. To acknowledge a paraphrase properly, one might state: to paraphrase Plato's comment...and conclude with a footnote or appropriate citation to identify the exact reference. A footnote acknowledging only a directly quoted statement does not suffice to notify the reader of any preceding or succeeding paraphrased material. Information that is common knowledge, such as names of leaders of prominent nations, basic scientific laws, etc, need not be cited; however, the sources of all facts or information obtained in reading or research that are not common knowledge among students in the course must be acknowledged. In addition to materials specifically cited in the text, other materials that contribute to one's general understanding of the subject may be acknowledged in the bibliography.

Sometimes, plagiarism can be a subtle issue. Students should be encouraged to discuss any questions about what constitutes plagiarism with the faculty member teaching the course.

D. Denying Others Access to Information or Material

It is a violation of academic integrity to deny others access to scholarly resources or to deliberately impede the progress of another student or scholar. Examples of violations of this type include giving other students false or misleading information; making library material unavailable to others by stealing or defacing books or journals; deliberately misplacing or destroying reserve materials; and altering someone else's computer files.

E. Facilitating Violations of Academic Integrity

It is a violation of academic integrity for a student to aid others in violating academic integrity. A student who knowingly or negligently facilitates a violation of academic integrity is as culpable as the student who receives the impermissible aid, even if the former student does not benefit from the violation.

III. ACADEMIC INTEGRITY VIOLATIONS AND SANCTIONS

A. Levels of Violations and Recommended Sanctions

Any violation of academic integrity is a serious offense and is therefore subject to an appropriate penalty or sanction. Academic integrity violations at Rutgers University are classified into four levels according to the nature of the violation. For each level of violation a corresponding set of sanctions is recommended. Level Three and Level Four violations are called "separable," since the recommended sanctions are temporary or

permanent separation from the University. Level One and Level Two violations are called "nonseparable" since separation from the University is not a possible sanction for first offenses at those levels. However, separation is a possible sanction for repeat violations at Level One or Level Two.

The recommended sanctions at each level are not binding, but are intended as general guidelines for the academic community. Moreover, due to mitigating circumstances, a recommended sanction is not always imposed, even when a student is found responsible for a given violation. Culpability may be assessed and sanctions imposed differentially for those with more or with less experience as members of the academic community. Therefore, violations of academic integrity by graduate and professional students³ will normally be penalized more severely than violations by first-year undergraduate students.

Examples are cited below for each level of violation. These examples are meant to be illustrations and should not be considered all inclusive.

Level One Violations

Level One violations may occur because of inexperience or lack of knowledge of the principles of academic integrity and are often characterized by the absence of dishonest intent on the part of the student committing the violation. These violations generally are quite limited in extent, occur on a minor assignment, and represent a small fraction of the total course work. Examples include:

1. Working with another student on a minor laboratory exercise or homework assignment when such collaboration is prohibited.
2. Failure to footnote or give proper acknowledgment in a very limited section of an assignment.

Sanctions for Level One violations ordinarily include one or more of the following, although this list is not all inclusive:

1. Required participation in a noncredit workshop or seminar on ethics or academic integrity.
2. An assigned paper or research project related to ethics or academic integrity.
3. A make-up assignment that is more difficult than the original assignment.
4. No credit for the original assignment
5. Disciplinary warning.

Level Two Violations

Level Two violations are breaches of academic integrity that are more serious or that affect a more significant aspect or portion of the course work compared with Level One violations. Examples include:

1. Quoting directly or paraphrasing, to a moderate extent, without acknowledging the source.
2. Submitting the same work, or major portions thereof, to satisfy the requirements of more than one course without permission from the instructor to whom the work is submitted for the second or subsequent time.

³ In this policy, the term graduate and professional students refers to post-baccalaureate students pursuing Masters or Doctoral degrees of any type, as well as Law students. The term does not refer to students in the undergraduate phase of a joint undergraduate-graduate degree program.

3. Using data or interpretative material for a laboratory report without acknowledging the sources or the collaborators. All contributors to the acquisition of data and/or to the writing of the report must be acknowledged.
4. Failure to acknowledge assistance from others, such as help with research, statistical analysis, computer programming, or field data collection, in a paper, examination, or project report.

Sanctions for Level Two violations ordinarily include one or more of the following, although this list is not all inclusive:

1. A failing grade on the assignment.
2. A failing grade for the course.
3. Disciplinary warning or probation.

Level Three Violations

Level Three violations are breaches of academic integrity that are more serious in nature or that affect a more significant aspect or portion of the course work compared with Level Two violations. Examples include:

1. Repeat Level Two violations.
2. Presenting the work of another as one's own.
3. Copying work on hourly exams or final exams.
4. Plagiarizing major portions of a written assignment.
5. Acting to facilitate copying during an exam.
6. Using prohibited materials, such as books, notes, or calculators during an examination.
7. Conspiring before an exam to develop methods of illicitly exchanging information during the exam.
8. Altering examinations for the purposes of regrading.
9. Acquiring or distributing copies of an examination from an unauthorized source prior to the examination period.
10. Submitting purchased materials such as a term paper.
11. Removing or damaging posted or reserve material, or preventing other students from having access to the material.
12. Fabricating data by inventing or deliberately altering material. Fabrication includes citing "sources" that are not, in fact, sources.
13. Using unethical or improper means of acquiring data.

The sanction for Level Three violations ordinarily is an F for the course and suspension for one or more semesters, depending on the seriousness of the violation.

Level Four Violations

Level Four violations represent the most serious breaches of academic integrity. Examples include:

1. Committing a violation of academic integrity after returning from suspension for a previous violation of academic integrity.

2. Committing a violation of academic integrity that breaks the law or resembles criminal activity (such as forging a grade form, stealing an examination from a professor or from a university office, buying a stolen examination, falsifying a transcript to gain access to the University or its resources, or altering the record of work done at the University).
3. Having a substitute take an examination or taking an examination for someone else.
4. Fabricating evidence, falsifying data, quoting directly or paraphrasing without acknowledging the source, and/or presenting the ideas of another as one's own in a senior thesis, a master's thesis, a doctoral dissertation, a scholarly article submitted for publication, or any other work represented as his or her own by a graduate or professional student.
5. Sabotaging another student's work through actions designed to prevent the student from successfully completing an assignment.
6. Knowingly violating a canon of the ethical code of the profession for which a graduate or professional student is preparing.

The sanction for Level Four violations ordinarily is permanent expulsion from the University with a permanent notation of disciplinary expulsion on the student's Rutgers transcript.

Repeat Offenses

As stated above, a repeat violation at Level Two will ordinarily be treated as a Level Three, and hence separable, violation. Likewise, any violation of academic integrity committed after returning from suspension for a Level Three violation will be treated as a Level Four violation. A repeat violation at Level One will ordinarily be treated as a Level Two violation, although it may, under certain circumstances, be treated as a Level Three violation.

B. Other Consequences of Violating the Academic Integrity Policy

A student who commits a violation of academic integrity not only faces university censure and sanctions but also runs a serious risk of harming his or her future educational and employment opportunities. The notation of a specific sanction placed on the student's transcript remains for the term of the sanction. In all closed cases in which a grade of "F" is assigned for disciplinary reasons, the "F" shall remain on the student's transcript and be included in the GPA, even if the student retakes the course and achieves a passing grade. Moreover, prospective employers and other educational institutions frequently use recommendation forms that ask for judgment and comment on an individual's moral or ethical behavior. Since such forms are sent with the permission of the student, who thereby waives any right he or she may have under the Family Educational Rights and Privacy Act to keep disciplinary sanctions confidential, University faculty and administrators with knowledge of academic integrity violations are ethically bound to report such violations.

IV. ADMINISTRATION OF THE ACADEMIC INTEGRITY POLICY

The Chief Academic Officers (CAOs) on each campus; i.e., the Executive Vice President for Academic Affairs in New Brunswick/Piscataway and the Chancellor in Newark and in Camden, have the ultimate responsibility for implementing and overseeing the Academic Integrity Policy on their respective campuses. The CAO is responsible for deciding the sanction for students found responsible for separable violations of academic integrity on the campus. The CAO shall either exercise this responsibility personally or delegate it to one or more academic administrators

called Campus Academic Integrity Designees (CAIDs). In addition, the CAO shall appoint an appropriate number of Academic Integrity Facilitators (see below) for each school, college, or group of schools/colleges on the campus, with the concurrence of the deans of the respective schools/colleges.

Academic Integrity Facilitators (AIFs) shall ordinarily be academic staff or faculty members. The AIFs shall help to educate students and faculty concerning academic integrity, shall advise faculty concerning academic integrity policies and procedures, and shall investigate and adjudicate allegations of nonseparable violations of academic integrity that faculty members do not wish to handle themselves. The AIF may also carry out the preliminary review of cases of alleged separable violations of the Academic Integrity Policy, as described in the University Code of Student Conduct. The work of the AIFs shall be overseen by the CAIDs to make sure that the Academic Integrity Policy is implemented consistently and fairly across all the University's schools and colleges.

The Office of Student Conduct handles cases of alleged separable violations of academic integrity under the University Code of Student Conduct. In addition, the Office of Student Conduct helps to educate students and faculty about academic integrity and provides training for the AIFs, together with the CAO or CAIDs.

As explained more fully below, faculty members have the option of handling allegations of nonseparable violations of the Academic Integrity Policy under the guidelines provided in the Policy.

V. ADJUDICATING ALLEGED VIOLATIONS OF ACADEMIC INTEGRITY

Any member of the Rutgers University community may report an alleged violation of the Academic Integrity Policy to the faculty member teaching the course, to the Chair of the department offering the course, to the AIF of the school or college to which the department belongs, or to the Office of Student Conduct. Whatever the source of the allegation or the manner in which it is reported, the matter should be handled as specified in this Academic Integrity Policy.

Cases of alleged nonseparable violations of academic integrity by undergraduate students shall either be adjudicated by the faculty member teaching the course or referred for adjudication to the AIF of the school or college offering the course. Cases of alleged separable violations must be referred to the AIF of the school or college offering the course or to the Office of Student Conduct for adjudication under the procedures of the University Code of Student Conduct.

Since all violations of academic integrity by a graduate or professional student are potentially separable under the Academic Integrity Policy, faculty members should not adjudicate alleged academic integrity violations by graduate and professional students, but should refer such allegations to the appropriate AIF or to the Office of Student Conduct. The faculty member may recommend a sanction should the student be found responsible for the violation; this recommendation shall be given serious consideration.

Whatever the level of the violation and whoever adjudicates the allegation, it is essential for the integrity of the student judicial system that all instances of alleged violations of academic integrity be adjudicated in accordance with the Academic Integrity Policy. Neither faculty members, staff members, nor administrators may handle alleged violations of academic integrity other than according to the procedures specified in the Policy. The final disposition of all academic integrity cases should be reported to the Office of Student Conduct, which will serve as the central record-keeping agency for all violations of academic integrity.

As required by the University Records Management Policy, all judicial units must maintain judicial records, including records of academic integrity violations, in the Office of Student Conduct. Expulsion files are considered active permanently and shall be retained indefinitely. All other files are considered active until the student graduates and shall be retained for ten years after adjudication of the violation.

A. Adjudication of Alleged Nonseparable Violations

A faculty member who has reason to believe that an undergraduate student has committed a nonseparable violation of academic integrity has two options under this Policy: (1) investigate and adjudicate the matter as described below; or (2) refer the matter for adjudication to the AIF of the school or college offering the course. A faculty member who chooses to adjudicate an alleged violation should consult informally with an AIF before meeting with the student, to verify that the alleged violation is indeed nonseparable and to obtain information about normal sanctions for such a violation.

Members of the university community other than faculty members should ordinarily report evidence of nonseparable violations of academic integrity to the instructor of record in the given course, to the Chair of the department offering the course, or to the AIF of the school or college to which the department belongs.

Faculty Adjudication of Allegations

A faculty member who chooses to investigate and adjudicate an alleged nonseparable violation of academic integrity shall notify the student respondent⁴ in writing of the allegation, by e-mail or hand delivery, and shall provide the student with an opportunity to respond. This notification shall take place within ten working days of the time the faculty member identifies or is advised of an alleged nonseparable violation. The student shall then have 10 working days⁵ from the time of notification to respond. Once a student has been notified of the allegation, the student may not drop the course or withdraw from school until the adjudication process is completed.

The faculty member shall meet with the student⁶, review all available evidence, interview any material witnesses, and make a decision regarding the allegation. The faculty member shall then take one of the following actions:

1. If the faculty member determines that the student has not violated the Academic Integrity Policy, the faculty member shall notify the student in writing, by e-mail or hand delivery, within ten working days after meeting with the student. The matter shall then be closed.
2. If the faculty member determines that the student has committed a nonseparable violation of academic integrity, the faculty member shall notify the student in writing of this determination and of the recommended sanction, using a standard letter provided to all faculty members. The letter shall also notify the student of the opportunity to file a written appeal of either or both the finding of responsibility and the sanction to the Academic Integrity Review Committee (see below) within ten working days of the date of the notice to the student. This notification shall be provided to the student, by e-mail or in person, by the faculty member within ten working days after the meeting with the student.

⁴ The respondent is the student who is alleged to have committed a violation of the Academic Integrity Policy.

⁵ A working day is a day in which Rutgers offices are open.

⁶ If the student does not respond to the allegation within the prescribed time limit or chooses not to meet with the faculty member, the faculty member shall reach a decision regarding responsibility based on all available evidence, including any written response from the student.

If the student accepts responsibility for the violation and agrees to the recommended sanction, the faculty member shall impose the sanction and shall report the disposition of the case to the Office of Student Conduct. If the student does not accept responsibility and the recommended sanction but fails to appeal to the Academic Integrity Review Committee within ten (10) working days of the date of notice to the student, the faculty member's determination shall be final. The recommended sanction shall be imposed and the disposition of the matter shall be reported to the Office of Student Conduct.

If, upon receipt of the report from the faculty member, the Office of Student Conduct determines that the student has previously committed an academic integrity violation and the cumulative record is sufficiently serious, the case shall be treated as a separable offense under the procedures of the University Code of Student Conduct. If the cumulative record does not rise to the level of a separable violation, the Office of Student Conduct may add disciplinary warning or disciplinary probation to the academic sanction imposed by the faculty member.

Faculty members may impose only educational sanctions for nonseparable violations, such as grade penalties for assignments or the course, make-up assignments of a more difficult nature, assignments pertaining to academic integrity, and required attendance at a noncredit workshop or seminar on academic integrity. Faculty members may also recommend to the Office of Student Conduct that the student be subject to disciplinary warning or probation.

If the faculty member must submit a final course grade before the case is resolved, the student shall be given a temporary grade of Incomplete or TZ, which does not affect the student's GPA, until the adjudication process is completed.

Adjudication by an Academic Integrity Facilitator

A faculty member who does not choose to adjudicate an allegation of a nonseparable violation of academic integrity shall refer the matter for adjudication to the AIF of the school or college offering the course. The faculty member shall report the allegation using a standard form provided to all faculty members and shall supply the AIF with all relevant evidence and information regarding the matter. The faculty member may recommend a sanction should the student be found responsible for the violation.

The faculty member shall also notify the student respondent in writing, by e-mail or hand delivery, of the alleged violation and of the fact that the matter has been referred to the AIF for adjudication. This notification shall take place within ten working days of the time the faculty member identifies or is advised of the alleged nonseparable violation. Once the student has been notified of the allegation, the student may not drop the course or withdraw from school until the adjudication process is completed.

Alleged violations of academic integrity may also be referred to an AIF for adjudication by a member of the University community who is not a faculty member as defined in this Policy. The procedure to be followed by the AIF in such instances shall be the same as that followed when the referring party is a faculty member with one exception. If the violation of academic integrity is alleged to have occurred in a Rutgers course, the AIF shall interview the instructor of record of the course at the outset of the investigation and shall notify the instructor of record of the outcome of the adjudication.

When an AIF receives a report of an alleged nonseparable violation of academic integrity, the AIF shall notify the student respondent of the allegation by e-mail and request the student to respond to the allegation by meeting with the AIF. This notification shall take place within five working days of receipt of the report of the allegation. The student shall

then have 10 working days from the time of notification to respond. The AIF shall review the evidence submitted and interview the referring party and any material witnesses. The AIF shall meet with the student⁷ and shall then determine whether a violation of academic integrity has occurred and, if so, at what level.

If the AIF determines that the student has not violated the Academic Integrity Policy, the AIF shall notify the student and the referring party in writing and the matter shall be closed. If the AIF determines that the student has committed a nonseparable violation of academic integrity, the AIF shall check with the Office of Student Conduct to determine if the student has previously committed a violation of academic integrity. If there has been a previous violation and the cumulative record is sufficiently serious, the case shall be treated as a separable offense under the procedures of the University Code of Student Conduct. Otherwise, the AIF shall recommend an appropriate sanction and notify the student and the referring party of the decision and recommended sanction in writing, using a standard letter. The letter shall also notify the student of the opportunity to file a written appeal of either or both the finding of responsibility and the sanction to the Academic Integrity Review Committee (see below) within ten working days of the date of the notice to the student. This written notification shall be provided to the student by e-mail within 15 working days after the AIF's meeting with the student.

If the student accepts responsibility and agrees to the sanction, the AIF shall impose the sanction and report the disposition of the case to the Office of Student Conduct. If the student does not accept responsibility and agree to the sanction, but fails to appeal to the Academic Integrity Review Committee within ten (10) working days of the date of the notice to the student, the AIF's determination shall be final. The recommended sanction shall be imposed and the disposition of the case reported to the Office of Student Conduct.

If the instructor of record in the course must submit a final course grade before the case is resolved, the student respondent shall be given a temporary grade of Incomplete or TZ, which does not affect the student's GPA, until the adjudication process is completed.

Review by the Academic Integrity Review Committee

The Academic Integrity Review Committee (AIRC) shall be a standing committee of trained faculty members, students, and staff members appointed by the CAO on each campus. The AIRC shall only consider student appeals of a determination of responsibility and/or recommended sanction for nonseparable violations of academic integrity. All such student appeals shall be referred to the AIRC.

AIRC reviews shall be conducted by a four-person panel consisting of one faculty member from the AIRC, two student members from the AIRC, and a nonvoting staff member from the AIRC called the staff investigator.⁸ Prior to the AIRC review, the staff investigator shall gather information pertaining to the allegation as necessary to permit the AIRC panel to make an informed decision. The panel shall review the appeal on the basis of the written information presented through the staff investigator and shall not take direct testimony. Voting members of a panel may not abstain and simple majority vote shall determine the outcome on all matters before the panel.

⁷ If the student does not respond to the allegation within the prescribed time limit or chooses not to meet with the AIF, the AIF shall reach a decision regarding responsibility based on all available evidence, including any written response from the student.

⁸ When the student respondent requesting review is a graduate or professional student, at least one student member of the AIRC panel should be a graduate or professional student from the respondent's school.

The decision of an AIRC panel on an appeal of a finding of responsibility shall be final. The decision of a panel on an appeal of a sanction shall constitute a recommendation to the appropriate CAO or CAID, whose decision regarding sanction in cases of nonseparable violations shall be final. The AIRC panel shall change the finding of responsibility only if it finds that the decision of the faculty member or AIF is inconsistent with the evidence or if new significant and material evidence is presented to the AIRC. The panel shall recommend changing the sanction recommended by the faculty member or AIF only if the faculty member's or AIF's recommended sanction falls well outside the range of sanctions ordinarily imposed for similar offenses.

The investigation by the staff investigator shall ordinarily include meeting with the faculty member or AIF who adjudicated the case and with the student respondent, as well as a review of other relevant information. When the staff investigator has concluded the fact-finding process, he or she shall prepare a preliminary written report that shall be shared with the faculty member or AIF and the student respondent. The fact-finding shall be completed and the preliminary report provided within 15 working days of the receipt of the student's appeal. The faculty member or AIF and the student respondent may submit written responses to the preliminary report within five working days of its receipt. The staff investigator shall consider the responses received and then submit a final report to the voting members of the AIRC panel within five working days. Any written responses to the preliminary report shall also be provided to the panel.

The AIRC panel shall meet to consider an appeal within ten working days of receipt of the final report of the staff investigator. If the panel needs more information in order to reach a decision, the staff investigator shall continue fact-finding and a decision shall be deferred for up to ten working days. When it makes a decision the AIRC shall notify the faculty member or AIF and the student respondent within five working days. If the panel does not overturn the finding of responsibility, it will transmit its recommendation concerning sanction to the CAO or CAID. The CAO or CAID shall make the final decision regarding sanction, impose the sanction, and report the disposition of the case to the Office of Student Conduct.

Time Limits

The time limits or deadlines specified on actions by faculty members, AIFs, the AIRC, and student respondents in cases of alleged nonseparable violations of academic integrity are designed to ensure that the adjudication process proceeds in a timely and efficient manner for the benefit of all concerned. Any of the deadlines may be extended by mutual consent of the parties concerned. The consequences of failure by a student respondent to meet the relevant deadlines are made clear above. When a faculty member, an AIF, or the AIRC fails to meet a deadline, the student respondent may file a complaint with the campus CAO or appropriate CAID. The CAO or CAID shall consider the complaint and act, if necessary, to bring the adjudication process to completion as rapidly as possible.

B. Adjudication of Alleged Separable Offenses

Allegations of separable academic integrity violations; i.e., violations at Level Three or Level Four, must be adjudicated according to the procedures of the University Code of Student Conduct. Allegations of separable violations may not be adjudicated by a faculty member but must be referred either to the appropriate AIF or to the Office of Student Conduct. A faculty member may recommend a sanction should the student respondent be found responsible for the violation. The faculty member's recommendation shall be given serious consideration.⁹

⁹ The faculty member must refer the alleged violation for adjudication as a separable offense even if he or she recommends that the student not be suspended or expelled if found responsible for the violation.

The procedures for handling allegations of separable academic integrity violations are the same as the procedures for handling allegations of other types of student conduct falling within the separable category with the following exceptions:

1. The administrator responsible for making the decision with regard to the sanction¹⁰ to be imposed when the respondent has been found responsible for a separable academic integrity violation shall be either the CAO or one of the CAIDs to whom the CAO delegates this responsibility. For violations by New Brunswick undergraduates, the CAID shall be the Vice President for Undergraduate Education. For violations by New Brunswick graduate and professional students, the CAID shall be the Vice President for Research and Graduate and Professional Education. The Chancellor shall select the appropriate CAIDs for all students in Newark and Camden.
2. When an alleged separable academic integrity violation is referred to an Academic Integrity Facilitator, the AIF may carry out the Preliminary Review, as described in the University Code of Student Conduct. If the student respondent admits responsibility for the violation or does not contest the charge, the AIF may recommend an appropriate sanction to the CAO or CAID.

¹⁰ The decision of the CAO or CAID with regard to sanction may be appealed to the Appeals Committee on the campus where the respondent is registered and ultimately to the President of the University.

Acknowledgments

This academic integrity policy was developed by three partially overlapping groups of faculty, students, staff, and administrators from all three Rutgers campuses: an Ad Hoc Academic Integrity Committee chaired by Professor Donald McCabe (McCabe Committee); the Academic Standards, Regulations, and Admissions Committee of the University Senate (ASRAC); and an ad hoc academic integrity working group (AIWG) consisting of members of the McCabe Committee, members of ASRAC, and representatives of several constituencies not represented on the McCabe Committee. The AIWG was appointed by Executive Vice President Furmanski after the McCabe Committee and ASRAC failed to reach agreement on major aspects of a proposed new academic integrity policy. The AIWG reached consensus on a number of recommended changes to the Rutgers University Academic Integrity Policy. This interim policy incorporates those changes but leaves unchanged aspects of the previous academic integrity policy on which there was no broad consensus for change. The policy was drafted by members of the AIWG and revised by members of ASRAC.

This interim academic integrity policy is designed to make a number of improvements to the way in which violations of academic integrity are adjudicated and reported, particularly nonseparable violations, for which temporary or permanent separation from the University is not a possible sanction. It largely leaves unchanged the procedures for handling separable violations of academic integrity under the University Code of Student Conduct. The interim policy has been approved for a period of two years, during which time a new and more comprehensive "permanent" academic integrity policy will be developed with extensive input from students, faculty, staff, and administrators.

Two of the major new provisions of this policy, the provision for faculty adjudication of alleged nonseparable violations of academic integrity and the provision of an Academic Integrity Review Committee to consider appeals from students found responsible for such violations, were taken from the draft academic integrity policy proposed by the McCabe Committee, with minor modifications by the AIWG and ASRAC. Parts of this document were taken nearly verbatim from the McCabe Committee proposal. As was acknowledged by the McCabe Committee, the new procedures for handling nonseparable academic integrity violations are based on elements of the academic integrity policies of Pennsylvania State University and the University of Maryland at College Park. The guidance obtained from those policies is gratefully acknowledged.

ENDNOTES

- ¹ The accompanying endnotes shall have the same force and effect as any other part of this Code. (See Preamble, Paragraph 3)
- ² A person who has been awarded one or more degrees from the University, but who undertakes further studies at the University is a student. (See Part 3 (q))
- ³ Colleges and universities are not expected to develop disciplinary regulations that are written with the scope or precision of a criminal code. Rare occasions may arise when conduct is so inherently and patently dangerous to the individual or to others that the University must take extraordinary action not specifically authorized in this Code. (See Part 4)
- ⁴ The University will not routinely invoke the disciplinary process for student misconduct that occurs off University premises unless it occurs at a University sponsored activity. Nonetheless, it will be necessary to endeavor to protect the campus community when there are reasonable grounds to believe that a student may pose a substantial danger to others. Normally, such "substantial danger" will be manifested by a pending criminal charge, usually relating to a crime of violence, burglary, sexual assault, substantial theft or fraud, the distribution of illegal drugs, or the possession of substantial quantities of illegal drugs. (See Part 5)
- ⁵ A member of the University community initiating a complaint under this Code is not precluded from filing civil or criminal charges outside the University. (See Part 6)
- ⁶ A student who requests such a Hearing will be entitled to receive the notice of Hearing described in Part 29 of this Code five working days in advance of the scheduled Hearing date. Notice limits described in Parts 30, 31, 33 and 34 of this Code will be reduced to two working days in such instances. (See Part 8)
- ⁷ The term "prohibited or unlawful behavior" would include behavior prohibited by a faculty member. It must be emphasized that this provision shall not be used to punish classroom dissent. The lawful expression of a disagreement with a faculty member is not in itself disruptive behavior. A student who believes that he/she has been treated in an arbitrary manner in this regard should contact his/her Dean of Students. (See Part 9)
- ⁸ Standards of academic integrity are more particularly set forth in Rutgers University Interim Academic Integrity Policy (see Appendix 1). (See Part 10 (a))
- ⁹ A person is responsible for hazing if, in connection with the training, initiation, or acceptance of applicants to or members of any organization (including, but not limited to fraternal organizations, athletic teams, and student clubs) he/she knowingly or recklessly organizes, promotes, facilitates or engages in any conduct, other than competitive athletic events, which places or may place another person in danger of bodily injury. The consent of the victim shall not be a legitimate defense in hazing incidents. (See Part 10 (g))
- ¹⁰ Prohibited Conduct under this policy includes:
 - (a) Use of force against the person or property of any member of the University community or against the person or property of anyone on University premises, or the threat of such physical abuse. (Verbal assault may be prosecuted as a "threat of...physical abuse.")
 - (b) Theft of, or intentional damage to, University property, or property in the possession of, or owned by, a member of the University. (Acts of graffiti or other vandalism may be prosecuted as "intentional damage to property.")
 - (c) Harassment, which is statutorily defined by New Jersey law to mean, and here means, purposefully making or causing to be made a communication or communications anonymously or at extremely inconvenient hours, or in offensively coarse language, or in any other manner likely to cause annoyance or alarm, or subjecting or threatening to

subject another to striking, kicking, shoving or other offensive touching, or engaging in any other course of conduct or of repeatedly committed acts with purpose to alarm or seriously annoy any other person. This may also include cyber bullying or contact through electronic communication. Harassment is considered a separable offense under the University Code of Student Conduct.

- (d) Defamation, which is judicially defined to mean, and here means, the unprivileged oral or written publication of a false statement of fact that exposes the person about whom it is made to hatred, contempt, or ridicule, or subjects that person to loss of the good will and confidence of others, or so harms that person's reputation as to deter others from associating with her or him. Defamation is considered a separation offense under the University Code of Student Conduct. (See Part 10 (h))
- 11. All students are required to abide by the "Rutgers University Acceptable Use Policy for Computing and Information Technology Resources," the "Guidelines for Interpretation and Administration of the Acceptable Use Policy for Computing and Information Technology Resources," any supplementary policies issued by individual units whose computing facilities students are using, and specific instructions from staff supporting computing facilities being used by a student. (See Part 10 (i))
 - 12. This charge may include any willful act which disrupts or obstructs an academic class or lecture, an administrative or support function or official University event (including studying, teaching, research, meetings, interviews, ceremonies, public events, official University business, or fire, police or emergency services), other creative or productive activities, or public services rendered by the University. (See Part 10 (k) and Part 10 (l))
 - 13. The possession and storage of personal protection devices such as small containers of Mace, which are permitted under New Jersey law, are specifically excluded from this definition. The legal use of such devices is also excluded from this definition. Law enforcement officials who are authorized by law to carry firearms are also excluded from this definition. (See Part 10 (m))
 - 14. Such prohibited distribution of alcohol shall include providing or facilitating the consumption of alcohol by any person without taking reasonable and prudent precautions to insure that the person is of legal drinking age in New Jersey. (See Part 10 (n))
 - 15. Other potential abuses of the University's Hearing procedures include, but are not limited to:
 - (a) attempting to discourage an individual's proper participation in, or use of, the University's Hearing or Disciplinary Conference procedures.
 - (b) attempting to unduly influence an individual participating in a Hearing or Conference prior to, and/or during the course of, any Hearing or Disciplinary Conference.
 - (c) harassment (verbal or physical) and/or intimidation of an individual involved in a Hearing or Disciplinary Conference prior to, during, and/or after a Hearing or Conference.
 - (d) influencing or attempting to influence another person to commit an abuse of the Hearing and Conference provisions of this Code. (See Part 10 (s))
 - 16. A person is responsible for stalking if s/he purposely and repeatedly engages in a course of conduct directed at a specific person that would cause a reasonable person to fear bodily injury or death to him or herself or a member of his or her immediate family. (See Part 10 (t))
 - 17. Witnesses, as well as respondents, may invoke their privilege against self-incrimination. (See Part 10 (z))
 - 18. A student may receive more than one sanction for a single incident. For example, a student found guilty of stealing may be suspended, be required to make restitution, and be required to complete some form of community service. (See Part 13)

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19. In the event of cross-complaints, it shall be the responsibility of the individual conducting the Preliminary Review to determine who shall be assigned the roles of complainant and cross-complainant. In the case of multiple complainants, the individual conducting the Preliminary Review shall determine who will act as the complainant in any proceedings under this Code. (See Part 16)
20. For example, the victim of an alleged act of misconduct may not be a member of the University community or may be unwilling to serve as the complainant. In such circumstances, if the Dean of Students believes there is good cause for charges to be brought against the accused student in the interest of the University community, the Dean may serve as the complainant. (See Part 17)
21. If the individual conducting the Preliminary Review makes the determination that the charges warrant a University Hearing or Disciplinary Conference, he or she may recommend to the Director of Student Conduct that a hold be put on the student's transcript, including the awarding of the student's degree, until the Hearing process is complete. (See Part 20)
22. A decision to dismiss the complaint is subject to the discretionary review of the Director of Student Conduct. (See Part 20 (a))
23. Students may be referred to a campus mediation service during this period. If the mediation is successful, the disciplinary charges will be dropped. (See Part 20 (e))
24. The Director of Student Conduct will make a reasonable effort to identify and train students from each unit within the University to serve on University Hearing Boards. (See Part 25)
25. The term "personal bias" means animosity toward a party or favoritism toward the opposite party. (See Part 30)
26. Copies of Rutgers University Police Department reports will not be provided to any individual involved in a Hearing or Conference under this Code without the approval of the chief of the Rutgers University Police Department or his/her designee. Reports that are not made available to the accused cannot be used as evidence in any Hearing or Conference. (See Part 32)
27. In cases involving allegations of sexual assault, the Hearing Officer will ensure that protections afforded under New Jersey's "Rape Shield Law" are followed. (See Part 35 (d))
28. Any support person admitted to a University Hearing shall not be allowed to participate in the Hearing in any way. In rare instances, the Hearing Officer may admit more than one support person for either party. (See Part 37)
29. It is not necessary to prove matters in a Hearing or Conference that would be common knowledge to members of the University community. (See Part 43)
30. Both the Hearing Officer and the Director of Student Conduct shall be available to the Hearing Board to entertain clarification questions or questions of a technical nature. The Hearing Officer may reconvene the hearing with all parties present, if he/she feels it is appropriate to have the question(s) answered on the record. (See Part 44)
31. A student's "disciplinary record" includes only those incidents where the student either has admitted responsibility or has been determined to be responsible for a previous violation of the University Code of Student Conduct, whether by University Hearing, Disciplinary Conference, or disciplinary records maintained by the Office of Residence Life. (See Part 47)
32. Both the Hearing Officer and the Director of Student Conduct shall be available to the Hearing

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- Board to entertain clarification questions or other questions of a technical nature. The Hearing Officer may reconvene the hearing with all parties present, if he/she feels it is appropriate to have the question(s) answered on the record. (See Part 47)
33. Certain graduate and professional schools have established processes to review non-separable cases that are used in lieu of a Disciplinary Conference for students in those units. Copies of such procedures are on file in the Office of Student Conduct. (See Part 49)
34. Requests for Disciplinary Conferences shall not be granted unless the Student Conduct Officer has obtained the agreement of the Complainant. (See Part 49)
35. Either the respondent or complainant may challenge the Student Conduct Officer on the basis of personal bias according to the same procedures set forth for challenging Hearing Officers (see Part 30). In the event of the disqualification of the Student Conduct Officer, the Director of Student Conduct shall designate a replacement who will be a member of the University community who has been trained to serve in this capacity. (See Part 49)
36. In such cases, the complainant may be accompanied by a Campus Adviser. Documentary evidence and written statements could be relied upon, so long as the respondent was given access to them in advance, and allowed to respond to them at the Conference. (See Part 49)
37. Copies of Rutgers University Police Department reports will not be provided to any individual involved in a Hearing or Conference under this Code without the approval of the chief of the Rutgers University Police Department or his/her designee. Reports that are not made available to the accused cannot be used as evidence in any Hearing or Conference. (See Part 50 (b))
38. Written notice of the decision and of any sanction imposed shall be mailed to the student charged and a copy shall be sent to the Director of Student Conduct. (See Part 51)
39. An appellant may request an extension of the deadline for filing his/her appeal by written application to the Director of Student Conduct stating the reason(s) why such an extension is needed. Under unusual circumstances the Director may grant such a delay. (See Part 58)
40. Committee members who, in the opinion of the Director of Student Conduct, have played any role in a particular case shall be disqualified from the appeal process. (See Part 77)