



Code of Conduct

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The members of the Montclair State University community recognize that the development of responsible student behavior and conduct is fostered by example, counseling, guidance, admonition and by adherence to University policies and regulations.

Montclair State University is committed to the overall educational and personal growth of its students. In order to facilitate this growth most effectively, it is essential to maintain an appropriate environment.

Thus, the University requires the cooperation of all members of the campus community, both in and out of the classroom and through online communities. To that end, the University establishes this set of policies, standards of behavior, regulations, procedures, sanctions and appeals processes. It is intended to prevent, limit and correct actions that may impede, obstruct or damage the educational environment, and threaten the maintenance of order. All students are expected to make themselves familiar with this code. Unfamiliarity with the code is not grounds for failing to live up to the expectations set forth within the code.

While it is the goal of the disciplinary process to educate students as to the purpose and importance of abiding by prescribed codes of conduct, the University will also issue sanctions as are appropriate and necessary to ensure continued and/or future adherence to these codes, and to protect the general population from disruptive behavior.

This document and supporting materials have been developed to guarantee procedural fairness to students when there has been an alleged failure to abide by Montclair State's policies and regulations. Procedures may vary in formality given the gravity and nature of the offense and the sanctions that may be applied. Terms and prohibited conduct not specifically defined here will be defined with reference to New Jersey Statutes.

B. Standard of Evidence

A general principle in all matters of student discipline will be that University may base its determinations on a preponderance of the information (i.e. it is more likely than not). In cases of misconduct where a major penalty may be assessed, or in which a student so requests, the student will be informed in writing of the allegations and charges, will be given an opportunity to refute them, and will be afforded an avenue to appeal an adverse decision.

C. Authority

This code of student conduct applies to incidents which occur on University's Campus, at any University-related facility, at any University event, between any University students and/or which utilize computer or other equipment located on the University campus or at University-related facilities. University events include all athletic, academic, and social events sponsored by any University-related organization, whether on or off campus.

Off-campus misconduct may be subject to the authority of the University and addressed through its conduct procedures if a student engages in prohibited conduct under such circumstances that reasonable grounds exist for believing that the accused student poses a threat to the life, health or safety of any member of the University community or to the property of the University. In addition, if the conduct hinders the University in the pursuit of its educational mission and the discharge of its basic responsibilities to maintain an orderly educational atmosphere and to function without interruption as an institution of higher learning each student will be responsible for his/her conduct from the time of enrollment through the actual awarding of a degree. This includes the time before classes begin or after classes end each semester.

D. Complicity

A student will not, through act or omission, assist another student, individual, or group in committing or attempting to commit a violation of the University's Code of Conduct. A student who has knowledge of another committing or attempting to commit a violation of the Code of Conduct is required to remove him or herself from the situation, and failure to do so when reasonable under the circumstances may be the basis for a violation of this policy.

E. Commitment to Diversity

Montclair State University is committed to equal student access to all campus benefits and services without regard to gender, race, color, national origin, disabling condition or sexual orientation. In order to foster an atmosphere of respect, understanding and good will among all members of our diverse campus community, the University will regard differences of religion, race, ethnicity, gender, age, disability and sexual orientation as strengths to be honored, not mocked or derided. Thus, the University expects all members of the community to behave in ways that enhance our multi-ethnic and multicultural society.

II. VIOLATIONS

A. Academic Dishonesty

Minimum sanction: Probation; Maximum sanction: Expulsion

Academic dishonesty is any attempt by a student to submit as his/her own work that which has not been completed by him/her or to give improper aid to another student in the completion of an assignment, i.e., plagiarism. No student may intentionally or knowingly give or receive aid on any test or examination, or on any academic exercise, that requires independent work. This includes, but is not limited to, the use of technology (i.e., instant messaging, text messaging, or using a camera phone) or any other unauthorized materials, of any sort, to give or receive aid on a test or examination without the express permission of the instructor. The following are examples of academic dishonesty:

1. Copying from another student's paper.
2. Using materials not authorized by the instructor on a test or examination.
3. Collaborating with any other person during a test or examination without authorization from the instructor.
4. Knowingly obtaining, using, buying, selling, transporting or soliciting, in whole or in part, the contents of a non-administered test or examination.
5. Coercing any other person to obtain a non-administered test or examination, or to obtain information about such an examination or test.
6. Substituting for another student, or permitting any other person to substitute for oneself to take a test or examination.
7. Altering test answers and then claiming the instructor improperly graded the test or examination.
8. Collusion or purchased term papers:

Collusion, the unauthorized collaboration with another person in preparing work offered for credit, is academically dishonest. Montclair State University prohibits the preparation for sale and/or subsequent sale of any term paper, thesis, dissertation, essay or other assignment with the knowledge that the assignment will be submitted in whole or in part for academic credit.

9. Plagiarism:

Plagiarism is defined as using another person's words as if they were your own, and the unacknowledged incorporation of those words in one's own work for academic credit. Plagiarism includes, but is not limited to, submitting, as one's own a project, paper, report, test, program, design, or speech copied from, partially copied, or partially paraphrased work of another (whether the source is printed, under copyright in manuscript form or electronic media) without proper citation. Source citations must be given for works quoted or paraphrased. The above rules apply to any academic dishonesty, whether the work is graded or ungraded, group or individual, written or oral. The following guidelines for written work will assist students in avoiding plagiarism:

- (a) General indebtedness for background information and data must be acknowledged by inclusion of a bibliography of all works consulted;
- (b) Specific indebtedness for a particular idea, or for a quotation of four or more consecutive words from another text, must be acknowledged by footnote or endnote reference to the actual source. Quotations of four words or more from a text must also be indicated by the use of quotation marks;
- (c) Project work will be considered plagiarism if it duplicates in completely or in part, without citation, the work of another person to an extent that is greater than is commonly accepted. The degree to which imitation without citation is permissible varies from discipline to discipline. Students must consult their instructors before copying another person's work.
- (d) Information taken from the Internet/websites must be cited, otherwise it will be defined as plagiarism.
- (e) Falsifying or inventing any information, data or citation.
- (f) Submitting identical or similar papers for credit in more than one course without prior permission from the course instructor.

B. Alcohol Violation

Minimum sanction: Warning; Maximum sanction: Expulsion.

Drinking or being in possession of any alcoholic beverage in public or private areas of University premises not approved for such activity, possession and/or consumption by a minor; public intoxication; and driving while intoxicated.

1. Common Sources/Bulk Containers: Possessing, furnishing, or serving from a common source of alcohol (i.e. kegs, mini-kegs, beer balls, punch bowls, or other approximate equivalent number of servings) is prohibited. Bulk containers and/or mass quantities of any alcohol are not permitted in apartments, suites, and/or individual rooms. Sanctions apply to all students (residents and non-residents) present at the time of the infraction and/or to all students (residents and non-residents) who were involved in any way in planning or hosting an event at which a common source or bulk container is provided. In addition, empty kegs, mini-kegs, beer balls, and/or any tapping devices are not permitted in any apartment, suite, or individual room for any purpose, including use as decorations and/or furnishings.

2. Rapid Consumption: Objects and drinking apparatuses or methods that promote irresponsible binge consumption of alcohol, which include, but are not limited to, funnels, beer bong, or drinking games are prohibited. All individuals present at the time of the infraction may be charged for a policy violation.

3. Residence Halls and Hawk Crossing Apartments. The University promotes an alcohol-free residence hall community as part of a strong academic environment. Because the majority of campus residents are under age and due to the challenges of alcohol abuse, alcohol is prohibited in the residence halls and Hawk Crossing Apartments. Possession of alcohol, or empty alcohol cans, bottles, etc., constitutes a violation and may result in strict disciplinary action and/or dismissal from the residence community. Students may be asked to reveal the contents of bags, boxes, etc., if reasonable suspicion of possible alcohol possession exists.

1. The Village at Little Falls Alcohol Policy. In keeping with NJ laws regarding alcohol, and the University's own philosophy regarding substance use and abuse, only Village residents 21 years of age or older may possess and consume alcohol inside their apartments and only under the following conditions: 1) no alcohol deliveries are permitted to the apartments, 2) no alcohol is permitted outside the buildings or in hallways/stairwells, or other common areas outside of apartments and 3) no alcohol is given to individuals under 21 years of age. In addition, quantities of alcohol are limited based on the guidelines outlined in the Department of Residential Education and Services handbook.

2. The Village at Little Falls Party Policy. Parties involving alcohol are prohibited at The Village at Little Falls. An alcohol party will be defined as any gathering of residents where alcohol is being served or consumed and one or more of the following conditions exists: 1) there is obvious traffic in and out of the apartment/stairwell/hallway, 2) excessive noise exists, as determined by neighbors and/or staff, and 3) the total number of persons in the apartment reaches or exceeds the maximum occupancy assigned to the apartment which is a maximum total of 16 persons. Residents found hosting parties would be subject to immediate suspension from The Village apartments and face disciplinary action. Guests attending a party will be subject to disciplinary action as appropriate.

C. Computer Misuse

Minimum sanction: Probation; Maximum sanction: Expulsion

A student will be found responsible for the misuse of computers who uses any information technology to materially disrupt University operations or to substantially interfere with the right of other members of the University community to secure access and use of University facilities and services. Computer misuse includes, but is not limited to, hardware theft or fraud, duplicating copyrighted software, unauthorized use, the subverting of restrictions, plagiarizing class programs, invasion of privacy rights, and unlawful use of the Internet. Unlawful downloading of music, movies, or other copyrighted material is expressly prohibited, as is the illegal file sharing of such material. A student may be found responsible for computer misuse who uses University computing facilities and information technology services, such as a student e-mail account, when violation other provisions of the Student Code of Conduct. This also includes any violation of University Information Technology policies.

D. Dating, Relationship or Sexual Misconduct

Minimum sanction: Probation; Maximum sanction: Expulsion

University is committed to protecting the health and safety of students and to implementing the New Jersey Campus Sexual Assault Victim's Bill of Rights Act, by prohibiting threats, intimidation, coercion, assault, abuse and violence in dating, interpersonal and sexual relationships. This policy is gender neutral recognizing that both men and women can be victims or perpetrators of dating, relationship or sexual misconduct. University will assist the victim in reporting any sexual misconduct to law enforcement authorities. Victims of sexual assault will have the right to change his/her academic and living situation if such options are reasonably available. For additional resources, please refer to www.montclair.edu/police/jeanneclery.

1: Sexual Misconduct. A student is responsible for sexual misconduct when the student engages in a sexual act without the explicit consent of the other participant(s), which is a sexual offense under New Jersey criminal law (See NJSA title 2C:14). Sexual misconduct includes any sexual act with a person who is under age or with a person who is incapable of giving consent because of temporary or permanent mental or physical incapacity. Consent to a sexual act is based upon active, informed, freely decided choice to participate in a sexual activity and cannot be assumed by the absence of physical resistance.

2: Dating or relationship misconduct. A student is responsible for dating or relationship misconduct when a student engages in: harassment, including sexual harassment, stalking, intimidation, coercion, infliction or threat of bodily harm, or sexual misconduct, and the victim is a member of the University community with whom the student had, or has, or seeks to initiate, a dating, or interpersonal, or sexual relationship; or any present or former housemate, roommate, spouse, or person with whom the student shares custody or parenthood of a child. Dating or relationship misconduct can also be in the form of emotional, verbal or economic threats, intimidation, coercion or abuse without sexual or physical abuse or violence.

E. Destruction of Property

Minimum sanction: Probation; Maximum sanction: Suspension

1. No student may intentionally damage, deface or destroy University property or that of any other person while on campus or while using University-related premises;
2. No student may litter or place graffiti on walls, doors, furniture or other property while on campus or while using University-related premises.

F. Disruptive Conduct

Minimum sanction: Warning; Maximum sanction: Suspension

A student will be found responsible for disruptive conduct if he or she materially impairs, interferes with or obstructs the orderly conduct, process and functions of the University. Disruptive conduct includes, but is not limited to: noise which is unreasonably excessive in the area, time or manner in which it occurs; threatening or obscene language or behavior in public places; obstruction of vehicular traffic; solicitation; and classroom behavior which materially interferes with either (a) the instructor's ability to conduct the class or (b) the ability of other students to profit from the instructional program. Disruptive Conduct also includes any unauthorized use of electronic or other devices to make an audio or video record of any person while on University premises without his/her prior knowledge, or without his/her effective consent when such a recording is likely to cause injury or distress. This includes, but is not limited to, surreptitiously taking pictures of another person in a gym, locker room, or restroom.

G. Drug Violations

Minimum sanction: Probation; Maximum sanction: Expulsion

1. The intent of, actual distribution of, sale of or manufacturing of drugs, narcotics, barbiturates, hallucinogens, marijuana, steroids, amphetamines or any other controlled substance is prohibited.
2. The possession or use of controlled dangerous substances, marijuana, steroids, or narcotics, including, but not limited to, opium (morphine, codeine, heroin), prescription drugs in possession of someone other than the prescribed individual, misuse of prescribed drugs, and every other substance not chemically distinguishable from them (i.e. imitation products) as well as any drug paraphernalia, on campus or in any University-related premises is prohibited. This includes marijuana prescribed for debilitating medical conditions as it is not allowed on University property.

**Students should be aware that federal law dictates that conviction in criminal court for certain controlled substance offenses including drug possession and/or sale may make them declared ineligible for Federal financial aid for a period of time. See the Financial Aid Office for details.*

H. Failure to Comply

Minimum sanction: Warning; Maximum sanction: Suspension

A student will be found responsible for failure to comply if he or she refuses to present identification to University officials acting in the performance of their duties; fails or refuses to respond personally to a request to report to an administrative office; or otherwise fails or refuses to abide by directions issued by a University official acting within the scope of his or her authority.

I. Forcible or Unauthorized Entry

Minimum sanction: Probation; Maximum sanction: Suspension

Students are prohibited from forcible or unauthorized entry into any University or University-related building, structure, or facility. This prohibition also includes, but is not limited to, illegal or unauthorized access to campus facilities gained by opening windows; tampering with door locks or locking mechanisms; scaling walls, fences or gates; or copying, obtaining or using keys without authorization.

J. Forgery, Alteration or Misuse of University Documents

Minimum sanction: Probation; Maximum sanction: Expulsion

The forgery, alteration, destruction, or misuse of University documents, records, and identification cards is expressly prohibited. This includes, but is not limited to, the alteration, destruction, or misuse of such University and University-related materials as academic forms, files, records, identification cards, or other papers. Students are prohibiting from forging any such material and risk facing criminal charges should they be found in violation of this policy.

K. Furnishing False Information

Minimum sanction: Warning; Maximum sanction: Suspension

Students are prohibited from furnishing false oral or written information to any University office or official. Students are expected to be truthful with University officials at all times. Dishonesty is considered a serious offense against the University.

L. Gambling

Minimum sanction: Warning; Maximum sanction: Suspension

Students are expected to abide by the federal laws and the laws of the State of New Jersey prohibiting illegal gambling. Gambling for money or other things of value on campus or at University-sponsored activities is prohibited except as permitted by law. Such prohibited activity includes, but is not limited to, betting on, wagering on, or selling pools on any Montclair State University athletic event; possessing on one's person or premises (e.g., room, residence unit, car) any card, book or other device for registering bets; knowingly permitting the use of one's premises or one's telephone or other electronic communications device for illegal gambling; knowingly receiving or delivering a letter, package or parcel related to illegal gambling; offering, soliciting or accepting a bribe to influence the outcome of an athletic event; and, involvement in bookmaking or wagering pools with respect to sporting events.

M. Harassment

Minimum sanction: Probation; Maximum sanction: Expulsion

A student will be found responsible for harassment if he or she engages in severe or pervasive and objectively offensive conduct that a) involves intimidation or threats to another person's safety, rights of personal privacy and property, academic pursuits, University employment, or participation in activities sponsored by the University or organizations or groups related to the University, or b) materially obstructs or impairs another person's rights, academic pursuits, employment or participation, or c) creates an intimidating or hostile environment for another person's academic pursuits, employment or participation in the University community, or d) involves bullying, whether it is interpersonal or through third parties, via the Internet or other forms of media.

1. Racial, Ethnic and Discriminatory Harassment

A student will be found responsible for discriminatory harassment who engages in severe or pervasive and offensive conduct described above as "harassment" which the student directs at a specific group or individual, based upon race, ethnicity or any other characteristic protected from discrimination by the New Jersey Law Against Discrimination, NJSA 10:5-4, which conduct substantially interferes with work, educational performance or equal access to the University's resources and opportunities.

2. Sexual Harassment

A student will be found responsible for discriminatory harassment who engages in severe or pervasive and offensive conduct described above as "harassment" which the student directs at a specific individual bases on sex, or which would not have occurred but for the individual's gender, or gender identification, which conduct is unwelcome and substantially interferes with work, educational performance or equal access to the University's resources and opportunities. Sexual harassment is a violation of Montclair State University's Statement on Equal Opportunity, Affirmative Action, Sexual Harassment and Tolerance as well as Title IX of the Education Amendments of 1972, and Title VII of the Civil Rights Act of 1964 (as amended in 1991). Under certain circumstances, sexual harassment may constitute sexual assault or abuse. The University will fully comply with all relevant civil laws prohibiting sexual harassment and all criminal laws concerning sexual assault. Please see the University policy on Sexual harassment at <http://www.montclair.edu/divofpresident/harassment.html>

3. Stalking

Harassment includes "stalking," which is a course of conduct by a student directed at a specific person which is sufficiently severe or pervasive and objectively offensive that a reasonable member of the University community would fear for his/her safety or the safety of a member of that person's family or household or for the security of his/her residence and personal property. The course of conduct may include: repeatedly following the person, invading the person's privacy, vandalizing property, and similar acts that threaten, intimidate or create fear of injury or death of self or members of that person's family or household or fear of harm to that person's property. Harassment includes conduct by a student in violation of a domestic violence restraining order obtained against the student.

N. Hazing

Minimum sanction: Suspension; Maximum sanction: Expulsion

1. A student will be found responsible for hazing if, in connection with the initiation of applicants to or members of a student organization (including but not limited to fraternities and sororities, athletic teams, SGA organizations, honor societies, etc.) he or she organizes, promotes, facilitates or engages in any conduct, other than competitive athletic events, which a) places or may place another person in danger of mental or bodily injury or b) demonstrates indifference or disregard for another person's rights, dignity or well-being. Examples of hazing include, but are not limited to the following:

- Forced or required ingestion of alcohol, drugs, food or any undesirable substance.
- Participation in sexual rituals or assaults.
- Forced or required participation in criminal conduct, conduct which violates the civil rights of others, or conduct which is mentally abusive or degrading to the participants or others.
- Acts that could result in physical, mental or emotional deprivations or harm.
- Physical abuse, e.g. whipping, paddling, beating, tattooing, branding and exposure to the elements.

2. The University defines hazing as any activity designed to produce mental or physical discomfort, embarrassment, harassment, or ridicule.

3. A person is responsible for hazing if in connection with the initiation of applicants to or members of a student organization (including but not limited to fraternities and sororities, athletic teams, SGA organizations, honor societies, etc.) he or she organizes, promotes, facilitates or engages in any conduct, other than competitive athletic events, which place or may place another person in danger of mental or bodily injury.

4. Organizations charged with hazing, as distinct from individuals so charged, face University disciplinary action and may be additionally referred to the Greek Council or to SGA Judiciary Boards.

O. Infliction or Threat of Bodily Harm

Minimum sanction: Probation; Maximum sanction: Expulsion

Students are prohibited from fighting and engaging in other acts of physical assault and violence in any University or University related facility, or at University events, including academic, athletic, and social events held on campus or away from campus.

1. No student may intentionally inflict bodily harm upon any person, including oneself.
2. No student may intentionally take any action for the purpose of inflicting bodily harm upon any person including oneself.
3. No student may intentionally take any action with reckless disregard for the fact that bodily harm could result to any person including oneself.
4. No student may perform any intentional act that creates a substantial risk of bodily harm to any person including oneself.
5. No student may threaten to use force to inflict bodily harm upon any person including oneself.

P. Organization and Event Registration

Minimum sanction: Warning; Maximum sanction: Suspension

Students are required to comply with policies or regulations governing the registration of student organizations, events on campus, and use of University facilities.

Q. Residence Hall Regulations

Students are required to abide by policies and procedures defined and outlined in the terms and conditions of the Residence Hall License Agreement and the Resident Handbook, including, but not limited to, the following:

1. Access.

Minimum sanction: Probation; Maximum sanction: Suspension.

When halls are officially closed during vacation periods and winter sessions, access will not be permitted without approval from the Department of Residential Life and Services.

2. Appliances.

Minimum sanction: Warning; Maximum sanction: Suspension.

Fire and safety regulations strictly prohibit the use of the following in the residence halls: toaster ovens, hot plates, open coil hot pots, grills (including George Foreman grills), frying pans, deep fat fryers, gasoline stoves, clothes washers, dryers, dishwashers and air conditioners. (Exceptions apply to The Village and Clove Road Apartments, where George Foreman Grills and toaster ovens are permitted.)

3. Ball Playing.

Minimum sanction: Warning; Maximum sanction: Suspension.

Ball play is not permitted in the residence hall. To respect the rights of others, ball playing, i.e., baseball, football, Frisbee, soccer, etc, is prohibited on or near all walkways and, specifically, the Blanton-Bohn quad area. Volleyball is limited to clearly marked playing areas. Students are encouraged to use the University playing field for these activities.

4. Bicycles, Motorcycles, Skateboards, and Rollerblading.

Minimum sanction: Warning; Maximum sanction: Suspension

For safety reasons, motorcycles and bicycles may not be stored or parked inside any of the housing facilities. Skateboarding is prohibited in all residence hall areas, specifically, the Blanton-Bohn quad area. Rollerblading is not permitted in the residence halls.

5. Bunk/Loft Beds.

Minimum sanction: Warning; Maximum sanction: Suspension

For safety reasons, only beds designated by the Office of Residence Life may be bunked. Beds must be bunked by an approved representative of the University after authorization from the Residence Director. A written waiver of liability must be signed by the residents.

6. Holiday Decorations.

Minimum sanction: Warning; Maximum sanction: Suspension.

Only artificial trees, wreaths, branches, etc., are permitted in the residence halls or apartments by order of the State Fire Marshall. Decorations must be nontoxic, fire retardant, and must not interfere with easy exiting, use of fire safety equipment or safety signs, and may not cover more than 60% of any wall space. Holiday lights are not permitted in resident rooms. All decorations must be removed before you leave for holiday vacation.

7. Guest Policy.

Minimum sanction: Warning; Maximum sanction: Suspension.

A guest is defined as anyone who is not assigned a residential space in the building in which you live. This includes, but is not limited to, residents from other buildings, commuter students, family and friends. Residents need the explicit permission of all their roommates/apartment mates in order to have a guest(s) stay overnight. Each resident is permitted to have up to three (3) guests stay overnight for a total of three (3) days during the week. No guest may stay overnight more than 3 nights during the week. A week is defined as: Sunday 12:00 a.m. through Saturday 11:59 p.m. An overnight visit is defined as a guest being present in a residential facility for more than two (2) hours between 2:00 a.m. and 8:00 a.m. A maximum of 16 guests is the total number of individuals permitted in any apartment. Residents, as well as guests, will be held liable for the behavior and actions of their guests, whether they were invited or uninvited.

8. Noise.

Minimum sanction: Warning; Maximum sanction: Suspension.

Students are responsible for the noise coming from their room and windows. Students may not yell or play loud music out of rooms or windows. If asked to lower the volume of noise coming from a room, students are expected to do so. Failure to comply may result in disciplinary action. During quiet hours, music, noise, etc. should not be heard outside of rooms or apartments. This policy also applies to public areas such as lounges, building lobbies, the Blanton-Bohn quad, etc. Twenty-four hour quiet hours are in effect during all reading days and final exam periods. Violation of this policy will result in your immediate dismissal from your residence community.

9. Painting/Construction.

Minimum sanction: Warning; Maximum sanction: Suspension.

Painting or construction is not permitted in the residence rooms, or apartments.

10. Postings/Signs.

Minimum sanction: Warning; Maximum sanction: Suspension

All posters, flyers, etc., require approval of RD before posting. Please remember that posters, flyers, etc. can only be posted in authorized locations. Signs, which promote the consumption of alcohol, the use of controlled dangerous substances, or anything, viewed as obscene and inappropriate behavior may not be displayed in any public area (e.g., windows, students room windows, doors, common areas, etc.). Signs, which protect and/or inform the public of the residence hall facilities, may not be relocated into resident's rooms.

11. Restricted Areas.

Minimum sanction: Suspension; Maximum sanction: Expulsion.

All roofs, balconies, window ledges, and mechanical rooms are off-limits. Any unauthorized entry into or onto an off-limit area is not only a liability to the University, but also jeopardizes the safety of individuals as well.

12. Smoking.

Minimum sanction: Warning; Maximum sanction: Suspension.

Smoking is not permitted in any University residential facility. This includes but is not limited to the following: bedrooms, lounges, bathrooms and hallways.

13. Solicitations/Surveys.

Minimum sanction: Warning; Maximum sanction: Suspension.

Solicitations and surveys are not permitted without written approval from the Office of Residence Life.

14. Window Screens and Balconies.

Minimum sanction: Warning; Maximum sanction: Suspension

The window screens in your apartment or residence hall room should be kept in place at all times. Window screens removed from a window will result in disciplinary action being taken. If a screen/window is broken, a student needs to inform residential life staff as soon as possible. Absolutely no items should be thrown out, hung out or displayed out of any residence hall window, or off any building balcony.

R. Safety

Minimum sanction: Warning; Maximum sanction: Expulsion

The University requires students to abide by numerous security regulations and other protective measures in order to assure safe living and learning environments for all students, as well as the faculty, administrators, and staff who also use campus facilities. Students are prohibited from threatening to and/or bringing any incendiary device to campus, to University-related premises, or to University-related events, including academic, athletic, and social events held away from campus. This includes, but is not limited to the following:

1. Unauthorized use or possession of fireworks, explosives or other incendiaries;
2. Possession, storage or knowledge of possession and failure to report r any explosive or incendiary device of any description.
3. Causing or creating a fire.
4. Tampering with safety measures or devices, such as alarm systems, fire extinguishers, exit signs, emergency phone systems, smoke or heat detectors, fire hoses, security systems, locked exterior doors, etc.
5. Failing to conform to safety regulations
 - (a) False report of a bomb, fire or other emergency in any building, structure or facility on campus or in any University-related premises by means of activating a fire alarm or in any other manner.
 - (b) Failure to evacuate facilities in a timely fashion in emergency situations or in response to fire alarms.
 - (c) Inappropriate use of the fire alarm system.

S. Theft

Minimum sanction: Probation; Maximum sanction: Expulsion

Students are not permitted to engage in any form of larceny, robbery, shoplifting, or stealing on University or University-related premises, or at any University event, including academic athletic and social events held away from campus. Students are also prohibited from enabling, aiding, or abetting any individual in the theft of any property or service on University or University-related premises, or at any University event. This policy also applies to attempted theft.

T. Violations of Local, State or Federal Law

Minimum sanction: Probation; Maximum sanction: Expulsion

Students are not permitted to violate any local, state or federal law on campus, in other municipalities, or in University-related events. The University retains the discretion to report suspected violations of state, local or federal law to appropriate law enforcement officials, at any time, regardless of the issuance of disciplinary charges against a student under this Code.

U. Violations of Written University Policy, Regulations and Announcements

Minimum sanction: Warning; Maximum sanction: Expulsion

Because certain functions, procedures, and processes of the University and University-related business may change after the formal publication of Montclair State University policies, students are expected to abide by written policies, regulations, and announcements about University processes and procedures that are developed and promulgated over the course of the academic year.

No person will engage in conduct detrimental to the University community as hereinafter defined. Conduct will be deemed detrimental to the University community if it consists of an act or acts prohibited under municipal, State or

federal law or written policy or regulation of the University and either:

(a) results in or threatens injury, damage, or loss to students, faculty, or administrative personnel of the University, or to buildings, structures or other property under University control; or

(b) hinders the University in the pursuit of its educational mission and the discharge of its basic responsibilities to maintain an orderly educational atmosphere and to function without interruption as an institution of higher learning.

V. Weapons

Minimum sanction: Suspension; Maximum sanction: Expulsion

Students are prohibited from threatening to and/or bringing any weapon or facsimile of a weapon to campus, to University-related premises, or to University-related events, including academic, athletic, and social events held away from campus. Specific restrictions include:

1. Possession, storage or knowledge of possession and failure to report a dangerous weapon or realistic model of a weapon, including firearms or any explosive or incendiary device of any description;
2. Unauthorized use of any weapon or realistic model of a weapon, including items described in the New Jersey Code of Criminal Justice, or any similar instrument that has no legitimate or obvious purpose related to the educational program, including: dart gun, BB gun, bow and arrow, any instrument that can hurl a projectile, hunting knife, carpet knife, knives except those whose purpose is related to the preparation or consumption of food.
3. Exceptions to this policy include replica/toy versions of any weapon that is used for an on-campus class presentation, project, or activity with the faculty/staff member overseeing the event and University Police being alerted prior to the event occurring.

Note: Any Municipal County and State law enforcement officer (as recognized by the New Jersey Police Training Commission) may carry his/her duty weapon at all times in the State of New Jersey, however not when he/she is present on the Montclair State University campus. Officers are requested to contact the University Police Department which offers temporary weapons storage to any visiting or attending police officer.

W. Student Organizations

Student groups and organizations recognized by student government and/or their officers may be charged with and held responsible for violations of the Code of Student Conduct. Sanctions against the student organization and its officers may include recommendation to the Student Government for revocation of the organization's charter, loss of permission to use University facilities and/or the University name, loss of other privileges, as well as other appropriate sanctions. Student organizations may also be referred to the Student Government Judiciary process for adjudication.

X. Abuse of the Conduct System

Minimum Sanction: Probation; Maximum Sanction: Expulsion

Any abuse of the University's conduct process, including but not limited to the following:

1. Failure to obey the notice from a University official to appear for a meeting or hearing as part of the Student Conduct System.
2. Falsification, distortion, or misrepresentation of information before a Conduct Officer or Hearing Panel.
3. Disruption or interference with the orderly conduct of a Student Conduct proceeding.
4. Attempting to discourage an individual's proper participating in, or use of, the student conduct system.
5. Attempting to influence the impartiality of a member of a University Panel Hearing prior to, and/or during the course of, the University Panel Hearing proceeding.
6. Harassment (verbal or physical) and/or intimidation of a member of a University Panel Hearing prior to, during, and/or after a student conduct code proceeding.
7. Failure to comply with the sanction(s) imposed under the Student Code of Conduct.
8. Influencing or attempting to influence another person to commit an abuse of the student conduct system.

III. PROCEDURAL STANDARDS

Montclair State University is committed to the principles of due process and adheres to fair and reasonable procedural standards that are equitably applied in the adjudication of student discipline cases. Accordingly, the University affords the following rights to all students:

- A) To be presumed not responsible until found responsible by a preponderance of information;
- B) To have the discipline matter at hand decided by an impartial conduct officer or hearing panel, excluding any person who has a conflict of interest in the proceeding at hand;

- C) Reasonable access to a case file prior to and during any hearing, provided that all reviews of files must take place in the Office of the Dean of Students.
- D) Access to advice by an individual of his or her choosing, including an attorney or University Advocate. Such advisors may not speak at a hearing on behalf of the student charged, or appear in lieu of the student. A student who wishes to have an attorney as an advisor present at a hearing must inform the Dean of Students, or his/her designee, in writing, by fax or by electronic mail at least two business days prior to a hearing. If the respondent informs the University that an attorney will be present at the hearing, the legal counsel for the University may also be present. Attorneys will only be allowed to attend Panel Hearings. University Advocates may attend either Panel Hearings or Administrative Hearings.
- E) The respondent will be given the opportunity to testify, to present witnesses, and to present to the Hearing Panel written questions for the University representative presenting the charges and for any witnesses. The respondent may remain silent in a University proceeding. Such decision will not be used against the respondent but a violation of the Student Code may be found based upon the other information presented. The complainant may be called as a witness by the University representative presenting the charges.
- F) In all cases the Hearing Panel will not consider statements against the accused student until he or she has been advised of their content and the names of those who made them. The accused student has the right to rebut such statements.
- G) A list of all witnesses that the respondent wishes to testify at the hearing must be submitted in writing to the Coordinator of Student Conduct at least two business days prior to the hearing. The respondent is responsible for the attendance of witnesses at the hearing. Witnesses are considered individuals who have direct knowledge of the incidents or charges under investigation.
- H) In accordance with existing statutes, especially the N.J. Open Records Act, student disciplinary records are confidential records. The Student Right-to-Know and Campus Security Act (Clery Act), the N.J. Campus Sexual Assault Victim's Bill of Rights, and/or 34 CFR 668.47(a) (12) (vi) do permit the disclosure of campus conduct findings to victims of "sex offenses" (including non-forcible ones) or "crimes of violence". New legislation or conduct interpretation may result in changes to privacy and disclosure regulations. If such changes occur over the course of the academic year, students who are currently involved in the discipline process will be so advised in writing, as appropriate and necessary.
- I) Students may be accountable to both external authorities and to the University for acts that constitute violations of law and this Code. University Conduct proceedings will continue normally regardless of pending administrative, civil or criminal proceedings arising out of the same or other events, and will not be subject to challenge on the ground that criminal charges involving the same incident have been dismissed or reduced, or are pending.
- J) The University Panel Hearing may accommodate concerns for the personal safety, well-being, and/or fears of confrontation of the Complainant, Accused Student, and/or other witnesses during the hearing by providing separate facilities, by using a visual screen, and/or by permitting participation by telephone, videophone, closed circuit television, video conferencing, videotape, audio tape, written statement, or other means, where and as determined in the sole judgment of the University Coordinator of Student Conduct or designee to be appropriate
- K) The University will disclose to alleged victims of violent crimes or non-forcible sex offenses, or to the next of kin if they have died, the final results of any disciplinary proceedings against alleged student perpetrators of such crimes.
- L) Any question of interpretation or application of the University's Code of Conduct will be referred to the Dean of Students or his or her designee for final determination.

IV. ADJUDICATION OF DISCIPLINARY CASES

A. Filing a Complaint

The process described below applied to the adjudication of all discipline cases with the exception of alleged Academic Dishonesty. The process for adjudicating Academic Dishonesty cases is described in Section C: Academic Dishonesty Procedures. In order to initiate a disciplinary proceeding, a member of the University community must file a complaint with the Office of the Dean of Students, the Department of Residential Education and Services and/or University Police. The document should include:

1. The name of the complainant
2. The name of the person who is the object of the complaint
3. The date or dates on which the alleged incident took place
4. The place or places where the alleged incident took place
5. A statement describing, in detail, the alleged incident
6. The names of any witnesses to the alleged incident
7. A one-sentence statement of the remedy sought by the complainant

8. The signature of the complainant, and the date when the complaint is filed

B. Responding to Complaints

Complaints may be submitted by Montclair State University students, faculty, or administrators using the complaint form. Incident reports filed by Residence Life staff and by University Police are also considered complaints. The complainant and/or written complaint do not constitute formal discipline charges. The Conduct Officer responding to the complaint will determine which campus policies and University policy may have been violated after reviewing the complaint thoroughly.

1. Notice:

All notices will be delivered via the student's University electronic mail and delivery will be considered confirmed upon the message being sent to the student's account. It is the responsibility of the student to check his/her University email. Students should note that disciplinary action may be taken, and sanctions may be enacted, if they fail to attend the initial conduct conference or any subsequent hearing option. Students who fail to appear after proper notice will be deemed to have pled not responsible to the charges pending against them.

2. Conduct Conference Meeting:

After receiving a complaint and interviewing the complainant and, if necessary, witnesses, the Conduct Officer will then meet with the respondent within five (5) business days of the receipt of the complaint. The respondent is the student accused of violating campus policies and community standards. The purposes of this conduct conference meeting with the respondent are to review the complaint, discuss the process and to discuss options for resolving the complaint. The complaint will then be resolved in one of the following manners: 1) Mediation, 2) University Administrative Hearing, or 3) University Panel Hearing.

3. Mediation

The Conduct Officer may refer a matter to mediation in cases where expulsion or suspension from the University is not contemplated as a sanction and where there are no pending charges in any criminal court. Mediation is only an option when the student parties involved agree to enter into a formal mediation process through the Campus Mediation Services. (In cases where there is no agreement among the parties about seeking mediation, formal disciplinary procedures will be employed.) The results of a mediation conference do not become part of a student's official disciplinary record but a record is kept of the findings and agreements reached.

4. University Administrative Hearing

The Conduct Officer will meet with parties involved in the incident, including the complainant, the respondent, and witnesses, if necessary, and will render a decision. The respondent may choose to have an administrative decision rendered at his or her initial conduct conference. If the respondent chooses to have his/her administrative hearing at another time, the administrative hearing meeting must occur within three (3) days of the initial Conduct Conference meeting. If the Conduct Officer determines that a preponderance of information indicates that the respondent is responsible for violating the Code of Student Conduct, the Conduct Officer will then issue appropriate sanctions to the respondent. The respondent may appeal the Conduct Officer's decision. Instructions on filing an appeal will be provided to the student in writing. The respondent will also be informed in writing if the Conduct Office determines that he or she is not responsible for any violation of the Code of Student Conduct.

5. University Panel Hearing

After meeting with parties involved in the incident(s) that gave rise to the complaint, including both the complainant and respondent, and witnesses as necessary and appropriate, the Conduct Officer may determine that the information and testimony should be considered by a hearing panel. The Conduct Officer may thus refer the discipline matter to the next scheduled hearing panel, or to a hearing panel that is scheduled to meet within the next five (5) business days. The Conduct Officer will provide the respondent a list of advocates who are available to review hearing procedures.

****In cases where sanctioning could result in Expulsion, the University suggests the University Panel Hearing option to allow for the greatest scope of the incident to be reviewed.**

a. Delay of Hearing

Written applications setting forth good cause may be made to the Dean of Students or designee by either party for a postponement of the scheduled hearing. Except in emergency situations, no application for a postponement will be considered unless received at least three business days before the scheduled hearing date. The Dean of Students or designee will determine if it is appropriate to delay a hearing. Hearings will be rescheduled at a student's request only once.

The purpose of the student conduct system is to help students understand and accept their responsibilities as members of this academic community. For many students, this may be one of the first opportunities they have to learn to advocate for themselves and to navigate through an administrative process. The conduct process is designed to be a growth enriching and developmental process, not a legal one.

Students are expected to speak for themselves due to the educational nature of the conduct process. In keeping with this goal, only the student may request the rescheduling of the hearing and requests by third parties, including counsel, will not be reviewed. After a hearing has been delayed, the student is expected to attend the next scheduled hearing.

Withdrawal from the University does not terminate the disciplinary proceeding. A student's failure to appear at scheduled hearing without just cause may result in a finding of responsibility against the absent student for a violation of this code and imposition of disciplinary sanctions based upon the information presented. An interim sanction may be imposed if an accused student requests a delay of the hearing

b. Hearing Panel Procedures

Should the complaint be forwarded to a hearing panel for adjudication, the following steps will be followed:

1. The Coordinator of Student Conduct, or a designee, will give the complaint form to the respondent, and ask the respondent to write a response, and to provide the names of any witnesses to the alleged incident.
2. The Coordinator of Student Conduct, or a designee, will ask the respondent to provide the names of any University advisors or attorneys who will attend the hearing. The respondent may have one University advisor or one attorney present.
3. The Coordinator of Student Conduct, or a designee, will provide copies of the complaint, response (if one is provided), list of witnesses and a summary of the preliminary investigation to the members of the hearing panel. It will be the responsibility of the respondent to provide copies to their witnesses and attorney.
4. The Coordinator of Student Conduct, or a designee, will provide the respondent a list of procedural advocates who may be available prior to the hearing to discuss the hearing procedures.
5. The Hearing Panel will typically consist of two faculty members, two administrators, two undergraduate students and one graduate student. Quorum will consist of one faculty member, one administrator, and one student. There will be a chairperson for each hearing. It may be appropriate for certain discipline matters involving alleged violations of a particularly sensitive or confidential nature to be heard by faculty or administrators only. The complainant, respondent, or University representative presenting the charges may request the case be heard by a faculty/administrator panel. The University Coordinator of Student Conduct or designee will determine if it is appropriate for a case to be heard in such a manner. If the University Coordinator of Student Conduct or designee determines it is appropriate, a three-person faculty/administrator panel will be convened.
6. At the hearing, members of the hearing body will ask the respondent and his/her advisor or attorney to remain in the room throughout the hearing. Witnesses will be called one at a time, and excused at the conclusion of their testimony.
7. It will be the sole responsibility of members of the hearing body to question the respondent, the University representative presenting the charges, and their witnesses. Advisors and attorneys, if any, may communicate only with the individuals they represent during the hearing and may not address the hearing body.
8. At the conclusion of all testimony, the respondent and the University representative presenting the charges will be permitted four minutes to amplify or clarify any aspect of the information or testimony presented.
9. If the respondent has a record of prior infractions of University policy, this information will be made available to the members of the hearing body but only if the student is found responsible at the hearing for violating the code of student conduct. This information may then be used to assist in the determination of sanctions.
10. All matters upon which a decision may be based must be introduced into information at the hearing. The decision of the Hearing Panel will be based solely upon such information.
11. Hearing Panel proceedings will be audio-recorded. These recordings are only for the purpose of providing assistance to the members of the Hearing Panel in their deliberations, or by an appeals officer if an appeal is filed. They are considered to be the property of the University.
12. In cases where a student charged does not appear after proper notice or does not provide justifiable reason for non-appearance, the hearing will take place as scheduled and a decision rendered in the absence of the accused. In this circumstance, a student may not appeal under the ground that he or she has additional information that was not available at the time of the hearing.
13. The hearing will not be considered to be a formal legalistic trial. Rather, the Hearing Panel will examine all relevant facts and circumstances at the hearing and will come to a decision based upon a preponderance of the information.
14. Formal rules of evidence applicable to civil and criminal cases will not be applicable to the proceedings.
15. It will be the initial responsibility of the Chair of the Hearing Panel to insure the relevancy of testimony.
16. Hearings are regarded as confidential and are closed to all but the respondent, the advisor or attorney for the respondent, the University representative presenting the charges, the hearing panelists, and to any witnesses called to provide testimony.
17. The Chair of the hearing panel will send notice of the decision of the Hearing Panel in writing to the respondent within five business days of the hearing.
18. Decisions may be appealed according to the standards outlined in Section V.
19. A student who withdraws from the University will not be permitted to re-enroll until their case has been adjudicated.

Until the case is resolved, the student may be prohibited from being present anywhere on campus, at the discretion of the University Coordinator of Student Conduct. The respondent or complainant's withdrawal from the University does not terminate the disciplinary proceeding except when the University representative reaches a resolution with the respondent, which includes withdrawal of the disciplinary charges.

C. Academic Dishonesty Procedure

Students are subject to disciplinary action for reasons of academic dishonesty. The faculty plays an integral role in the process for resolving academic dishonesty complaints.

1) The faculty member having the suspicion or information of dishonesty should first discuss the matter with the student(s) involved.

2) The faculty member should then discuss the situation with the chairperson of the department.

On a departmental level, one of the following may be chosen:

(a) For a student who seems mistaken in practice rather than guilty of intention, or in the case that seems to warrant leniency, the faculty member, consulting with the chairperson, may do any of the following which they deem appropriate:

- (i) Grade the work under question "zero" or "failing"
- (ii) Allow the student to demonstrate that s/he can fulfill an assignment through her/his own honest effort.

(b) For an offense which seems to be a clear case of cheating or which does not seem to warrant leniency, the faculty member, after consulting with the chairperson, may do either or both of the following:

- (i) Grade the work under question "zero" or "failing"
- (ii) Assign a grade of "F" for the course. (Students should have the right to remain in a class during the term of any course until or unless suspension from the class or the University is imposed.)

(c) In cases where a "F" grade is assigned for academic dishonesty, the faculty should immediately transmit a Request to Post a grade of "F" on the student's record. The request should be sent to Ms. Cadrienne McDonald, Assistant Registrar. The student may use the Grade Grievance Process to dispute the "F" grade.

3) The faculty member may contact the University Coordinator of Student Conduct to report the case of academic dishonesty. The student's name will be placed on the University Academic Dishonesty List and the student will receive notice of said action. If a prior academic dishonesty record exists, the case will be referred to the Coordinator for adjudication. If the student does not have any prior academic violation, then the current violation may be handled on the Departmental level. The Coordinator or his/her designee will follow the procedures for adjudication of non-academic cases.

On a conduct level, faculty have the following options:

- (i) Have the student's name added to the official listing of students who have committed academic dishonesty with no other action taken by the conduct office.
- (ii) Have the student's name added to the official listing of students who have committed academic dishonesty and refer the case to the University Coordinator of Student Conduct for adjudication.

D. Removal from Class

If an instructor determines that the behavior of a student interferes with his/her ability to conduct a class, the instructor may require that the student leave the class for the remainder of that class session. The instructor may call University Police to escort the student from class in the event the student refuses to leave.

1. After the above stated action has been taken, the instructor will inform the student that a mediation conference must be scheduled before the next class session. If the problem is resolved in this mediation conference, the student will return to class. The student may not attend the class again until he or she has met with the professor for mediation or to review expectations for classroom conduct. It is the student's responsibility to make up the work missed.

2. If the mediation conference does not result in a mutually acceptable solution, the faculty member will file a complaint with the Coordinator of Student Conduct (if no complaint is filed, the student may return to class.) The student will remain suspended from class pending the outcome of the resolution of this charge. If the student is found not to have violated the Code, he/she will return to class and the student must make arrangements for missed work to be made up. If the student is found to have violated the Code, sanctions will be imposed in accordance with the Code of Student Conduct. If the student does not return to the class (as a sanction or by choice), a Withdrawal (WD) will be administratively assigned for the course on the student's transcript.

NOTE: If a faculty member judges the behavior of a student poses a danger to him/herself or others, the faculty member should seek assistance from University Police. In such a case, the appropriate University official will take appropriate disciplinary action to resolve the matter. No mediation conference will be scheduled in such cases.

V. APPEALS

If a student believes one or more of the following conditions exist, he or she may file a typed appeal:

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1. There was substantial and prejudicial failure to follow procedures.
2. The student can provide information that the sanction was unduly severe.
3. The student has additional information that was not available at the time of the hearing.

A) Appeals of sanctions issued by University Conduct Officers, including Community Directors, must be made in writing to the Coordinator of Student Conduct. Appeals must be submitted within three business days of the date the letter of sanctions is received. Late appeals will not be considered.

B) Appeals of sanctions issued by University Panel Hearings or by the Coordinator of Student Conduct must be made in writing to the Dean of Students. Appeals must be submitted within three business days of the date the letter of sanctions is received. Late appeals will not be considered.

C) Notice of the outcome of appeals will be sent to the student within five business days of receipt of the written letter of appeal.

D) In most cases, students who are appealing their sanction(s) will not be subject to the imposed sanction until their appeal has been resolved. In cases that involve substantial threat, the Dean of Students maintains the right to continue or initiate an interim suspension, pending the outcome of the appeal.

E) Appeals may only be submitted by the student who is appealing. The University Code of Conduct has been developed to promote student growth in an educational process and as such, appeals will not be accepted by any third parties, including but not limited to legal counsel representing the student.

F) The decision rendered by the appellate officer is considered the final outcome and is not subject to appeal.

G) Appeal outcomes can 1) affirm the original decision and support sanction and corresponding stipulations; 2) affirm the original decision but modify the original sanction; or 3) oppose the original decision and determine a new outcome, which may include the dismissal of charges.

VI. SANCTIONS

Factors to be considered in deciding sanctions will include present demeanor and past disciplinary record of the student, the nature of the offense, and severity of any damage, injury, or harm resulting from it as perceived by the victim and/or appropriate University officials. The (ab)use of alcohol and/or illegal substances will be considered an aggravating rather than a mitigating factor. Violations of the Code of Student Conduct that can be proven to have been motivated by illegal bias will result in the imposition of more severe sanctions. Victims may submit written statements to the University Coordinator of Student Conduct detailing the effect the offense has had upon them and their ability to function as students. Repeated or aggravated violations of any provisions of this code may result in expulsion, suspension, or in the imposition of such lesser penalties as may be appropriate.

No refunds of tuition, room or board charges will be provided to any student who has been found responsible for violating the University Code of Student Conduct and placed on probation, suspended or expelled from the University or from a residence hall or campus apartment.

A. University Warning

This sanction indicates that a violation of the Code of Student Conduct has occurred and informs the student that a subsequent violation will be treated more severely.

B. University Probation

This sanction informs the student that a subsequent violation of the Code of Student Conduct will result in revocation of certain University privileges and a serious review of his or her status as a student at the University. Students on probation may be prohibited from being members of a recognized or registered student organization, participating in the activities of such organizations, serving as a representative of the University, or participating in intramural, club, or intercollegiate sports. Students on probation may be required to relocate to a different residence hall or campus housing assignment. Students on probation may also be restricted from certain campus facilities, including but not limited to the residence halls and campus apartments, dining facilities, Panzer Gymnasium and all other campus recreation facilities, Red Hawk Diner, and the Student Center. Copies of the notification of this sanction will be sent to appropriate University offices to notify them about students placed on probation and the nature of their probationary status.

C. University Suspension

This sanction informs the student of specific University privileges that have been revoked for a specific period of time, which may include, but are not limited to: 1) the ability to enroll as a student 2) the ability to register for or attend specific courses, 3) the ability to be present on the campus grounds, 4) the ability to attend certain University-sponsored events, on-campus or away from campus, or 5) the ability to reside in a University residence hall or campus apartment, or to utilize specific University facilities such as dining halls, recreation facilities, or student organizations. As previously stated, suspension may explicitly prohibit a student from taking courses or registering for courses. At the discretion of the Conduct Officer or Hearing Panel adjudicating the matter, a student may be suspended from campus activities or facilities only. Suspension is for a period of time not to exceed one academic year. Students who do not comply with this sanction are subject to arrest for criminal trespass and risk additional discipline sanctions including expulsion. Students

who are suspended during the academic semester may be administratively assigned a "WD" for their coursework. .

D. University Expulsion

The student is permanently separated from the University, meaning he or she will never again be permitted to register for courses, be present on campus, or attend University-sponsored events. Individuals who do not comply are subject to arrest for criminal trespass. Students who are expelled during the academic semester will be administratively assigned a "WD" for their coursework.

E. Interim Suspension

The Dean of Students or a designee may suspend a student from the University for an interim period pending disciplinary proceedings. The interim suspension will become immediately effective without prior notice whenever the Dean of Students or a 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. Interim Suspensions will exclude the student from being on campus or participating in any University activity, including academic work, unless otherwise notified.

A student suspended on an interim basis will be given an opportunity to appear personally before the Dean of Students or a designee within two working days in order to discuss the following issues only:

1. the reliability of the information concerning the student's alleged misconduct, including the matter of his or her identity.
2. 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 Dean of Students or designee may affirm or alter the decision to suspend on an interim basis based on such discussion. If the decision is affirmed, a University Hearing will proceed as expeditiously as possible. Any student placed on interim suspension will be given an opportunity to appear at a formal Hearing within ten business days of being placed on suspension or as soon as practical after the respondent is prepared to participate in a Hearing.

Violations of this Student Conduct Code that are motivated by prejudice toward a person or group because of factors such as race, religion, ethnicity, disability, national origin, age, gender, or sexual orientation may be assessed an enhanced sanction.

F. Sanction Stipulations

The sanctions described above may be enhanced or modified, depending of the severity of the case, the impact of the violation(s) on the campus community, other policies violated during the incident, the discipline history of the student(s) involved, or the learning and ethical development needs of the student found responsible for violating the Code of Student Conduct. Sanction stipulations that may be imposed at the discretion of the Conduct Officer or hearing panel include, but are not limited to, the following:

- Students may have campus residence (residence halls and campus apartments), campus driving, or parking privileges limited or revoked and be subject to the status of Persona Non Grata;
- Students may be required to complete community restitution projects and/or educational assignments;
- Students may be required to make financial restitution for damages incurred as a result of the violation for which they have been found responsible;
- Students may be required to disassemble and/or remove certain belongings, materials, possessions, or property from campus or campus-related facilities, including material hosted or placed on University networks, servers, or websites in an unauthorized manner or in a manner inconsistent with University policies;
- Students may be prohibited from contacting the complainant and/or victim involved in the discipline matter there-by receiving a No-Contact letter from the University;
- Students may be referred to appropriate medical or psychological services for counseling or other special help;
- Students may be subject to having restrictions placed on their ability to register for credits or other holds placed on their accounts;
- Revocation of Admission and/or Degree: Admission to or a degree awarded from the University may be revoked for fraud, misrepresentation, or other violation of University standards in obtaining the degree, or for other serious violations committed by a student prior to graduation.
- Withholding Degree: The University may withhold awarding a degree otherwise earned until the completion of the process set forth in this Student Conduct Code, including the completion of all sanctions imposed, if any.

A student may receive more than one stipulation for a single violation. Students who are found responsible for Code of Student Conduct violations may, at the discretion of the conduct officer or hearing panel adjudicating the case, be offered the opportunity to engage in substantive educational and reflective activities and, after the satisfactory completion of the specified educational and reflective activities, may have certain appropriate privileges restored. Any student who is removed from residential housing will have a maximum of three (3) business days to vacate their assignment. Further, students need to vacate residential housing within twenty-four (24) hours of electronic delivery of notice if an appeal is denied for a residential suspension/expulsion outcome;

VII. GLOSSARY OF TERMS

Administration or staff--- any person who currently holds a non-faculty appointment within the University. This does
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not include faculty who serve as department chairs.

Business day--- any day, except Saturday and Sunday, that is not listed as a University holiday on the University Calendar. Days when class is in session, but which are not University holidays, are "business days".

Complainant--- any member of the University community who has elected to serve as the complaining party in Hearings or Conferences conducted under this Code.

Conduct Conference Meeting (CCM)—initial meeting with a University administrator to discuss the process and options for the student.

Conduct Officer---any member of the University who has been trained to deal with violations of the Code of Conduct (ex. Community Directors, Panel members, etc...) and to impose sanctions upon any student(s) who violate the University's Code.

Coordinator of Student Conduct--- the person designated by the Dean of Students to be responsible for the administration of the University Code of Conduct and all procedures related to said administration. The Coordinator will develop policies for the administration of the student conduct system and procedural rules for the conduct of Panel Hearings that are not inconsistent with provisions of the Student Code.

Faculty--- any person hired by the University to conduct classroom or teaching activities or who holds a current academic appointment within the University.

Legal Counsel/attorney--- a person who holds a J.D., LL.B. or LL.M. degree from an accredited college or university, who has passed a bar exam, and is not a member of the University community.

Member of the University community--- means any student, faculty, administration or staff member at the University.

Persona Non Grata (PNG) — Latin for "an unwelcome person". Any individual who has had privileges to visit an area revoked will receive this status. Individuals who receive this status are subject to either revocation of visitation in the residence halls or on all of the University's premises.

Policy--- means the written regulations of the University as found in, but not limited to, the University Code of Conduct, Residence Life Handbook, the University web page and computer use policy, and Graduate/Undergraduate Catalogs.

Respondent-- any student who has been accused of an act prohibited under this Code.

Student--- includes all persons taking courses at the University, either full-time or part-time, pursuing undergraduate, graduate, or professional studies. Persons who withdraw after allegedly violating the Student Code, who are not officially enrolled for a particular term but who have a continuing relationship with the University or who have been notified of their acceptance for admission are considered students. In addition, 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.

University--- means Montclair State University and all of its undergraduate, graduate and professional schools and colleges, divisions, and programs.

University Administrative Hearing (UAH)--- hearing option where only the student charged with a violation meets with a Conduct Officer so a case outcome can be rendered. No other parties are present.

University Advisor/advocate--- a member of the University community, who is not an attorney, who has been selected by a respondent or by a complainant to assist him or her in Hearings or Conferences conducted under this Code. Advisor cannot be related to the student going through the process; examples would be a student's academic advisor, a professor/administrator who they know well, etc...

University Panel Hearing (UPH) ----hearing option where the charged student is brought before a panel consisting of faculty, administrators and students to determine the outcome of a case. Student can have either a University Advisor or a Legal counsel present but must speak for him/herself. Witnesses to the event can be questioned.

University premises--- for purposes of this Code, means buildings or grounds owned, leased, operated, controlled or supervised by the University.

University sponsored activity--- any academic, co-curricular, extra-curricular or other activity on or off campus, which is initiated, aided, authorized or supervised by the University.

Victim--- a member of the University community who alleges that he or she has suffered personal harm or injury as a result of an alleged violation(s) of this Code.

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