

# *Rights, Rules, Responsibilities*

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## **I. University-wide Regulations**

### **University Principles of General Conduct and Regulations**

#### **Introduction**

The central purposes of a University are the pursuit of truth, the discovery of new knowledge through scholarship and research, the teaching and general development of students, and the transmission of knowledge and learning to society at large. Free inquiry and free expression within the academic community are indispensable to the achievement of these goals. The freedom to teach and to learn depends upon the creation of appropriate conditions and opportunities on the campus as a whole as well as in classrooms and lecture halls. All members of the academic community share the responsibility for securing and sustaining the general conditions conducive to this freedom.

The primary purposes of regulations and discipline in a university are to protect the well-being of the community and to advance its educational mission by defining and establishing certain norms of behavior. At Princeton, disciplinary proceedings have a role that is subordinate to positive guidance, rational admonition, and reasonable appeal to members of the University to observe its stated norms. The disciplinary system establishes procedures for a fair hearing, including advising a person fully of the charges against him or her, affording him or her ample opportunity to speak on his or her behalf, and requiring a clear explanation of his or her rights of appeal. Disciplinary proceedings are instituted only for violations of standards of conduct defined in advance and published, or for actions that can be reasonably deduced as violations in light of those specifically defined as such. Regulations governing the conduct of members of the University community will be revised only after deliberations in which representatives of the appropriate groups are invited to participate.

Since rigid codification and relentless administration of rules and regulations are not appropriate to an academic community, the rules and policy statements that follow serve mainly to clarify commonly accepted standards of conduct within the University.

#### **Academic Integrity**

The ability of the University to achieve its purposes depends upon the quality and integrity of the academic work that its faculty, staff and students perform. Academic freedom can flourish only in a community of scholars which recognizes that intellectual integrity, with its accompanying rights and responsibilities, lies at the heart of its mission. Observing basic honesty in one's work, words, ideas, and actions is a principle to which all members of the community are required to subscribe. (See pages 51–65 regarding the honor code and other academic regulations.)

#### **Statement on Diversity and Community**

Princeton University is a community devoted to learning. We actively seek students, faculty, and staff of exceptional ability and promise who share in our commitment to excellence in teaching and scholarship, and who will bring a diversity of viewpoints and cultures. By incorporating a broad range of human experiences and a rich variety of human perspectives, we enlarge our capacity for learning, enrich the quality and texture of campus life, and better prepare for life and leadership in a pluralistic society.

As a community, we respect the dignity, individuality, and freedom of each member. At the same time, we strive to be a place where individuals and groups learn with and from each other. We aim to foster a sense of shared experience and common purpose, along with a collective responsibility for each other's well-being and for the well-being of the University as a whole.

Although we acknowledge the difficulties inherent in creating a community of individuals who are different from each other, we remain unwavering in our commitment to both diversity and community in a context of academic excellence. We seek to enable all members of this community to pursue their educational, scholarly, and career interests in an environment that recognizes both the distinctiveness of each person's experience and the common humanity that unites us all, and permits us to take full educational advantage of the variety of talents, backgrounds, and perspectives of those who live and work here.

#### **Honesty in University Matters**

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Members of the University community are expected to be honest and straightforward in their official dealings with University processes, activities, and personnel. This obligation includes honoring contracts and agreements and providing accurate information on official forms and documents as well as to official University personnel, offices, and committees. Deliberate violations of this provision will be considered serious offenses; subsequent violations, or systematic violations in the first instance, will be considered extremely serious.

### **Confidentiality of Records**

The University's Information Security Policy ( [www.princeton.edu/informationsecurity](http://www.princeton.edu/informationsecurity) .pdf ) provides the general framework for protecting the confidentiality, integrity, and availability of information owned by or entrusted to Princeton University. Any willful violation of the provisions of the Privacy Rights, which appear under "Student Privacy Rights under Federal Law," page 76, or the Information Security Policy, will be regarded as an extremely serious offense.

### **Range of Penalties**

For violations of University-wide rules of conduct, members of the community are subject to several kinds of penalties. The applicability and exact nature of each penalty vary for faculty, students, professional staff, and employees; but in general the penalties, in ascending order of severity, are:

#### **1. Warning**

A formal admonition that does not become part of an individual's permanent record, but that may be taken into account in judging the seriousness of any future violation.

#### **2. Disciplinary Probation**

A more serious admonition assigned for a definite amount of time, up to two years. It implies that any future violation, of *whatever kind*, during that time, may be grounds for suspension, required withdrawal, or in especially serious cases, for expulsion, from the University.

Disciplinary probation will be taken into account in judging the seriousness of any subsequent infraction even if the probationary period has expired.

Disciplinary probation appears on an individual's permanent record at the University (but not on the transcript) and may be disclosed by the Office of the Dean of Undergraduate Students or the Office of the Dean of the Graduate School in response to requests for which the student has given permission.

**Campus Service.** Campus service up to 10 hours per week may be added to disciplinary probation for a portion of or the duration of the probationary period. This penalty may be particularly appropriate in cases involving vandalism, disorderly conduct and alcohol-related infractions.

**Relocation Within or Removal from University Housing.** When appropriate to the infraction, particularly in instances involving antisocial behavior having a serious impact on the residential community, removal from University housing or relocation within University housing may be added to disciplinary probation for a portion of or the duration of the probationary period. In the case of a freshman or sophomore, removal from housing is not an option as all underclass students must reside in a residential college. Relocation within the residential colleges will be imposed only after consultation with the master of the student's residential college.

#### **3. Withholding of Degree**

In cases involving seniors or graduate students, the University may withhold a student's Princeton degree for a specified period of time. This penalty is imposed instead of suspension at the end of senior year. In such a case, the student may be permitted to remain on campus to complete his or her academic requirements for the degree.

#### **4. Suspension**

Removal from membership in, or employment by, the University for a specified period of time.

#### **5. Required Withdrawal**

Removal from membership in, or employment by, the University for at least the period of time specified by the suspension, with the suspension to continue until certain conditions, stipulated by the appropriate body applying this sanction, have been fulfilled. These conditions may include restitution of damages, formal apology, or counselling.

#### **6. Expulsion**

Permanent removal from membership in, or employment by, the University, without hope of readmission to the community. For members of the faculty, expulsion may involve revocation of tenure.

#### **7. Censure**

University censure can be added to any of the other penalties listed above, except warning. Censure indicates the University's desire to underscore the seriousness of the violation and the absence of mitigating circumstances and to convey that seriousness in response to future authorized inquiries about the given individual's conduct or character.

### **Circumstances Affecting Health or Safety**

In circumstances seriously affecting the health or well-being of any person, or where physical safety is seriously threatened, or where the ability of the University to carry out its essential operations is seriously threatened, or impaired, the president or her representative, a senior officer of the University authorized by him or her, may summarily suspend, dismiss, or bar any person from the University. In all such cases, actions taken are subject to reasonably prompt subsequent review by regular University processes or authorities. If a review process is not otherwise specified, the provost will act in this capacity if requested to do so.

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## University-wide Conduct Regulations

### **Respect for Others**

Respect for the rights, privileges, and sensibilities of each other is essential in preserving the spirit of community at Princeton. Actions which make the atmosphere intimidating, threatening, or hostile to individuals are therefore regarded as serious offenses. Abusive or harassing behavior, verbal or physical, which demeans, intimidates, threatens, or injures another because of personal characteristics or beliefs or their expression, is subject to University disciplinary sanctions as described above. Examples of personal characteristics or beliefs include but are not limited to sex, sexual orientation, gender identity, race, ethnicity, national origin, religion, and handicap. Making tolerance of such behavior or submission to it a condition of employment, evaluation, compensation, or advancement is an especially serious offense. Procedures for resolving complaints or grievances on such matters are discussed on pages 19–21.

Princeton University strives to be an intellectual and residential community in which all members can participate fully and equally, in an atmosphere free from all manifestations of bias and from all forms of harassment, exploitation, or intimidation. As an intellectual community, it attaches great value to freedom of expression and vigorous debate, but it also attaches great importance to mutual respect, and it deprecates expressions of hatred directed against any individual or group. The University seeks to promote the full inclusion of all members and groups in every aspect of University life.

Mutual respect requires special sensitivity to issues of race and ethnicity. Expressions of racial or ethnic bias directed at individuals or groups undermine the civility and sense of community on which the well-being of the University depends. They devalue the distinctive contributions of the individuals affected and impair their ability to contribute their views and talents to the community and to benefit fully from participating in it. By alienating those individuals, they harm the whole community. The University calls on all its members to display the appropriate sensitivity and to challenge expressions of racial or ethnic bias whenever they encounter them.

### **Unlawful Forms of Bias or Harassment**

At Princeton University, unlawful harassment is defined as unwelcome verbal or physical behavior that is directed at a person because of his/her race, creed, color, sex, gender identity, age, national origin, ancestry, religion, physical or mental disability, veteran's status, marital or domestic partnership status, affectional or sexual orientation or other classification protected by applicable law, when these behaviors are sufficiently severe and/or pervasive to have the effect of unreasonably interfering with an individual's educational experience, working conditions, or living conditions by creating an intimidating, hostile, or offensive environment.

While each situation must be considered in light of the specific facts and circumstances to determine if a violation of this policy has occurred, the University is seriously committed to disciplinary action against all forms of harassment. Procedures for resolving complaints or grievances relating to issues of harassment are described on page 20.

### **Sexual Harassment and Assault**

Every member of the University community should be aware that the University is strongly opposed to sexual harassment and assault and that such behavior is prohibited both by federal and state law and by University policy. It is the intention of the University to take whatever action may be needed to prevent, correct, and if necessary, discipline behavior that violates this policy.

Definition of Sexual Harassment. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

1. Submission to or rejection of such conduct is made implicitly or explicitly a term or condition of instruction, employment, or participation in any University activity or benefit; or
2. Submission to or rejection of these behaviors by an individual is used as a basis for evaluation in making academic or personnel decisions; or
3. These behaviors are sufficiently severe and/or pervasive to have the effect of unreasonably interfering with an individual's educational experience, working conditions, or living conditions by creating an intimidating, hostile, or offensive environment.

**Definition of Sexual Assault.** Princeton University defines sexual assault (including but not limited to rape) as committing any of the following acts:

1. Any sexual physical contact that involves the use or threat of force or violence or any other form of coercion or intimidation;

2. Any sexual physical contact with a person who is unable to consent due to incapacity or impairment, mental or physical. "Incapacity" or "impairment" normally includes but is not limited to being asleep or under the influence of alcohol or drugs.

The University defines rape as sexual assault involving an act of penetration and considers it to be an especially serious offense. Sexual assault includes both "stranger rape" and "acquaintance rape" (in which the assailant and victim know each other).

All forms of sexual assault and all attempts to commit such acts are regarded as serious University offenses which are likely to result in suspension, required withdrawal, or expulsion. New Jersey criminal law encompasses the offenses identified above, and prosecution may take place independently of charges under University regulations. Convictions under New Jersey law can result in imprisonment for up to 20 years; see "The University, the Law, and Property Rights" (page 8).

In determining whether the alleged conduct constitutes sexual harassment or assault, consideration will be given to the totality of circumstances involved in the incident, including the nature of the sexual conduct and the context in which the alleged incident occurred. Procedures for resolving complaints or grievances relating particularly to sexual harassment and assault are described on page 20. Details of University procedures for responding to complaints, including an explicit listing of victim's rights, can be obtained from the Offices of: SHARE (University Health Services), the Dean of Undergraduate Students (West College), the Dean of the Graduate School (Nassau Hall), the Dean of the Faculty (Nassau Hall), and the Vice President for Human Resources (New South).

### **Peaceful Dissent, Protests, and Demonstrations**

Free speech and peaceable assembly are basic requirements of the University as a center for free inquiry and the search for knowledge and insight. These rights involve a concurrent obligation on the part of all members of the University, guests, and visitors to maintain on the campus an atmosphere conducive to scholarly pursuits and to respect the rights of all individuals.

In view of Princeton's obligation to promote the free expression of all views, the campus is open to any speaker whom students or members of the faculty have invited and for whom official arrangements to speak have been made with the University. The right of free speech in a university also includes the right to acts of peaceful dissent, protests in peaceable assembly, and orderly demonstrations which include picketing and the distribution of leaflets. These are permitted on the Princeton campus, subject to approval as to schedule and location, unless, or until, they disrupt regular and essential operations of the University or significantly infringe on the rights of others, particularly the right to listen to a speech or lecture.

All individuals and groups planning to engage in activities of the sort described in the previous paragraph should seek approval from the Office of the Dean of Undergraduate Students.

Locations generally approved for these activities include, but are not limited to the following:

- the area adjacent to Chancellor Green Center (on the Firestone Library side);
- the area in front of Frist Campus Center on the north side, by the Frist "gateway";
- the areas to the west and south of Alexander Hall, and to the east of Alexander Hall, between Stanhope Hall and West College;
- the area in the vicinity of the east entrance to the University Store;
- the area between Whig and Clio halls;
- the cobblestone area between Firestone Library and Washington Road;
- the area in the vicinity of the arch near the entrance to McCosh 50, Helm Hall;
- Scudder Plaza at Robertson Hall;
- the area adjacent to Shapiro Walk between the Department of Computer Science and Mudd Manuscript Library;
- the walkway in front of Nassau Hall;
- the area in the vicinity of the north entrance to Jadwin Gymnasium.

In asking groups and individuals to seek prior approval for schedule and location, the University's goal is not to restrict free speech or peaceable assembly. Rather, it is to give the University the opportunity to provide space that accommodates the reasonable needs of both the University community and those engaged in acts of speech or protest. The University reserves the right to determine the time, place, and manner of all such activities.

Whenever appropriate, the Office of the Dean of Undergraduate Students, with assistance from and in consultation with the Department of Public Safety, will designate clearly marked areas for protests and demonstrations from among the list that appears above. In addition to those on

this list, other locations may be designated because of particular circumstances associated with a protest or demonstration (for example, to schedule a protest in the vicinity of a campus public lecture held in a location not near those on the list). The University reserves the right to refuse permission to use a particular area for protests or demonstrations, including those on the designated area list. When such a decision is reached, the University will provide reasons when asked.

It is a violation of these policies whenever any individual prevents, or willfully attempts to prevent, the orderly conduct of a University function or activity, such as lectures, meetings, interviews, ceremonies, and public events; or blocks, or willfully attempts to block, the legitimate activities of any person on the campus or in any University building or facility.

Whenever a member of the University community, that is a member of the faculty, staff or student body, violates these policies, that individual will be subject to University discipline and/or arrest. Whenever a nonmember of the University community violates these policies, that individual will be subject to arrest. Decisions to invoke University disciplinary action or arrest in the course of a protest or demonstration will be made after due warning and, wherever possible, such decisions will be made by officers of the University (see the *Bylaws* of the Board of Trustees).

All members of the press and media, both those affiliated with the University and those with no affiliation to the University, are fully subject to these provisions unless special arrangements for press coverage have been authorized by the University's Office of Communications. Ordinarily, arrangements of some kind to permit press coverage will be made when circumstances allow, and will be administered by the Office of Communications.

### **Distribution of Written Materials by Members of the University Community**

Free inquiry, free expression, and civility within this academic community are indispensable to the University's objectives. Inclusion of the name, telephone number, and/or e-mail address of the University sponsoring organization or individual member of the University community on material resembling petitions, posters, leaflets distributed on campus, including materials disseminated using campus information technology resources or University Internet access is encouraged, since such attribution promotes and facilitates civility as well as vigorous debate in the academic community. Anonymous public postings without sponsorship of a registered University organization shall be removed or deleted if a complaint by a member of the University is lodged with the Office of the Dean of Undergraduate Students or the Office of the Dean of the Graduate School.

### **Personal Safety**

Actions that threaten or endanger in any way the personal safety or security of others will be regarded as serious offenses. The following offenses will be regarded as extremely serious:

1. Deliberate participation in a riot or general disturbance that threatens the safety, or seriously threatens the property, of either University members or townspeople.
2. Intimidation by violence, by a threat of violence, or by property damage, which seeks to interfere with the free expression of ideas, or attempts to punish such free expression.
3. The possession, storing, or use on campus of (a) firearms (including antique firearms and imitation firearms); (b) any guns that shoot projectiles (including paintball, BB, air); (c) ammunition for any firearm; or (d) any explosive or incendiary device (including firecrackers and other fireworks). The use of prop guns in theatrical productions and the like requires advance written permission from the Office of the Dean of Undergraduate Students. (Easily identifiable toys, such as brightly colored or clear water guns, are not covered by this provision.)
4. The possession of weapons or the use or threatened use of weapons or objects capable of being used as weapons.
5. Any physical assault committed in the course of any University function or activity, or on the premises of the University or in the local vicinity.
6. Any other act that seriously endangers human life, or threatens serious physical or psychological injury.

### **Quiet**

Activities that take place in the vicinity of University residences, classrooms, the library, the chapel, and similar facilities must be conducted in such a way as to respect the necessity for maintaining a reasonable degree of quiet in such areas. (Consult the Orange Page 42 for further information.)

### **TigerCards (ID Cards)**

TigerCards are issued to eligible members of the University community and are intended for campus use only. Members of the community are asked to carry their cards while on campus. TigerCards are non-transferable and must be presented on request to authorized University representatives. Possession, manufacture, sale, or transfer of false identification of any sort is a violation of the law and of University policy.

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## **The University, the Law, and Property Rights**

Members of the University community are expected to act with respect for the safety, personal rights, and property of individuals and groups both within and outside the University, and in accordance with local, state and federal laws. Some laws, such as those governing equal opportunity and nondiscrimination, underlie fundamental University policy and have been discussed previously in this document. Principles and laws of particular importance to our academic community are discussed below.

### **On-Campus Misconduct and the Law**

On-campus misconduct by members of the University will normally result in internal disciplinary action, although in some instances the University may deem it necessary to call upon external authorities and to file charges or claims in the courts. In particular, misconduct by members of the University or others that inflicts or threatens to inflict personal injury or serious damage to property, that severely impairs essential functions of the University, or that cannot be adequately handled by the University Department of Public Safety, may require the intervention of outside authorities. Outside authorities typically will be called only by a senior officer of the University or a specifically designated representative. In addition to the president and the provost, authorized senior officers include the dean of the faculty, the dean of the Graduate School, the dean of the college, the vice president for campus life, the executive vice president, the director of the Department of Public Safety, and the general counsel.

### **Persons on Leave of Absence; Persons Who Are Not Members of the University**

1. On-campus misconduct by persons who are, for whatever reason, withdrawn, suspended, or on leave of absence from the University will be evaluated before these persons may resume their status as regular members of the University. In these instances, such persons will be granted the right to a full hearing by the appropriate University judicial body of any evidence relating to them. The results of such a hearing may have an effect upon their reinstatement as members of the University.

2. Incidents involving persons not subject to University discipline cannot always be handled by the University Department of Public Safety and may require the calling of outside authorities (under the conditions of the paragraph under On-Campus Misconduct and the Law). When persons who are not members of the University engage in serious misconduct on the campus, the University has no recourse but to press charges against them in the courts. (Members of the University involved in such cases, when their conduct is in violation of the law, cannot be guaranteed immunity either from arrest or prosecution.)

### **Off-Campus Misconduct**

In general, the University does not impose disciplinary penalties for misconduct off campus beyond the local vicinity. Judgments about these matters will depend on facts of an individual case. Note: All actions by a member of the Princeton University community that involve the use of the University's computing and network resources from a remote location, including but not limited to accessing e-mail accounts, will be deemed to have occurred on campus.

### **Violations of Local, State, or Federal Law**

Violations of federal, state, or local laws by members of the University community may put the individual in personal legal jeopardy. Also, they may trigger University disciplinary action regardless of where such violations occur, particularly if they are of a serious nature and clearly violate University standards of conduct.

The University will not seek special immunity for its members if they come in conflict with the laws of the civic community, national, state, or local. However, the University's Office of General Counsel will, if asked, offer the names of attorneys in the event a community member desires to engage counsel upon being charged with a violation of the law. (Students should also consult page 50, under "Legal Assistance.")

Individuals who contemplate actions that may be deemed illegal should be aware that they risk harm both to their own reputations and to that of the University, and should deliberate seriously and seek to reach an informed decision before acting. Even in situations where members of the University community seek advice from University representatives, responsibility for individual actions rests with the person or persons involved.

### **University Discipline and the Courts**

When members of the University are faced with court proceedings for offenses committed either on or off the campus, and when University disciplinary proceedings are also appropriate, the University will normally make its own determinations promptly, whether or not court action has been brought to a conclusion.

### **University Safety, Security, and Law Enforcement**

1. The University Department of Public Safety (DPS) serves to protect the rights, safety, and

security of members of the University community. The department works in conjunction with the local municipal police departments to provide general law enforcement services to the University community.

2. DPS officers have a major responsibility for ensuring that members of the University observe the basic standards of conduct and respect the specific University regulations and state and local laws. DPS officers are also responsible for assisting members of the University in emergency situations, as well as in their routine security duties. In interactions with representatives of the Department of Public Safety, individuals are expected to comply with the requests and/or instructions of Public Safety officers. Failure to cooperate with a Public Safety officer may result in disciplinary action.

3. The Department of Public Safety consists of uniformed, sworn law enforcement officers who have the powers of arrest, and non-commissioned uniformed public safety officers who provide general security services. Failure to cooperate or behave in a straight-forward manner with a Public Safety officer may result in disciplinary action.

## **Regulations Regarding Security and Prior Restraint**

### **Security Measures**

Security measures taken at on-campus events must be adequate to provide for the maintenance of order and to ensure the safety of those attending or participating. Within the University, the dean of undergraduate students, the dean of the Graduate School, and the director of the Department of Public Safety are primarily responsible for deciding whether security measures are necessary for a given event and for making appropriate arrangements. In consultation with sponsors of the event, they will make security arrangements which involve minimal interference with the scheduled event and with the privacy and freedom of those attending.

### **Prior Restraint**

1. Normal access to facilities of the University and normal activities within the University should not be restrained merely on suspicion of disruptive intent, even when this suspicion seems well-founded. Normal access and activities should be restricted only in circumstances that affect the health and well-being of persons, that seriously threaten physical safety, that impair or seriously threaten to impair the ability of the University to carry on its essential operations, or that threaten serious damage to University property. Except in circumstances of very grave dangers of these kinds, which admit of no delay, restraint will be invoked only by the president or her representative, or by a senior officer of the University authorized by her.

2. "Normal access" shall be construed in this context within the following conditions and limitations:

a) Normal access to physical facilities is governed by existing practices and policies defining hours of operation, and categories and numbers of persons to be admitted in given circumstances.

b) Any University organization has the right to restrict attendance at any of its meetings to members and their invited guests; nonmembers have no normal right of access to such activities.

3. The imposition of a physical search of persons attending a University event as a condition for their entry to the event will be authorized only under the most extreme circumstances. A decision to authorize such a search will be taken only when the following conditions are met:

a) Either the sponsors of the event, the Department of Public Safety, or law enforcement authorities judge such a search to be essential to the safety of those participating or attending and request authorization from the president of the University.

b) It is the judgment of the president, in consultation with the University's legal counsel, that the search is legal as essential to the safety of those participating or attending.

When a search has been authorized, steps will be taken to ensure that those who do not wish to be searched have the opportunity to leave without being searched. Whenever possible, the fact that a search will be conducted will be publicized well in advance of the event. All such searches will be conducted by the Department of Public Safety unless others, similarly accountable to the University or legally authorized, are requested by the president to act on behalf of the University.

For further information concerning University security policy for persons who are not members of the University community, see pages 83-84.

### **Property**

Members of the University community are expected to act with a considerate regard for the property of the University itself or individual persons. Examples of offenses that will be regarded as serious are:

1. Willful damage or destruction of the property of others, or of the University, including the deliberate defacement of library materials, buildings, sidewalks (including chalking), walls, or trees. The penalty for willful damage will ordinarily include replacement or repair.

2. The deliberate setting of fires, unless approved, including bonfires, on University property, even in cases in which there is no deliberate endangerment of human life. (See page 7 under "Personal Safety.") Prior approval for bonfires must be granted by the Office of Physical Planning, the Department of Public Safety, and the local fire marshal, acting in consultation with the Office of the Dean of Undergraduate Students or the Office of the Dean of the Graduate School, as may be appropriate.
3. Theft or unauthorized borrowing of property or services, or conspiracy to commit theft.
4. The unauthorized or fraudulent use of the University's telephone system. Users of the limited-access telephone system are expected to be aware of, and to adhere to, the guidelines established by the Telecommunications Office.
5. Unauthorized occupancy of University residential units or other University spaces.

### **Library Use**

Because the library is uniquely important to the University, members of the University community are expected to act with particularly considerate regard for the security of the collections. Insofar as these collections play a crucial role in supporting the highest standards of academic excellence, the regulations governing library use require special attention. The theft or defacement of library materials cannot be tolerated in a scholarly community. Such acts will be viewed as very serious offenses; students should understand that their status in the University may be jeopardized by infractions of this nature. Normally, offenders may expect suspension for serious infractions. Faculty members, graduate students, professional staff, and employees may expect penalties of comparable weight.

### **Computer and Network Use**

Princeton University makes available to its community members computing and network resources, including shared information technology resources that use text, voice, images, and video to deliver information. These resources are to be used in a manner consistent with University policy and the law.

All uses of the University's information technology resources, whether administered centrally by the Office of Information Technology (OIT) or locally by individual departments, are subject to the regulations and policies set forth in "Princeton University Information Technology Resources and Internet Access—Guidelines for Use" ([www.princeton.edu/guidelines](http://www.princeton.edu/guidelines)).

The "Guidelines for Use" also provide information regarding copyright and other laws that are potentially applicable to certain uses of the University's computing and network resources. Members of the University community are expected to be familiar with and adhere to the regulations defined in "Guidelines for Use."

Members of the University community who engage in any illegal or fraudulent use of the University's information technology resources, including infringement of copyright-protected materials, may be subject to disciplinary action, including the termination or suspension of network privileges.

Regulations governing use of the University's name and property (page 13), and community use of University resources (page 79) also apply to use of the University's information technology resources.

Members of the University community may not use University computer resources for commercial (including consulting) purposes; rather, they should use information technology resources, Internet service providers, and computer hosts outside the University.

### **Patent and Copyright Policies**

The University's policies concerning intellectual property are intended to further its central mission—the sustained production, preservation, and dissemination of knowledge—while exercising due care for its fiduciary responsibility for the resources it administers. The University Research Board (URB) is responsible for the general oversight and administration of the University's patent and copyright policies as regards the University, its faculty, employees, students, and outside sponsors. The Office of Research and Project Administration (ORPA) is responsible for the implementation of the intellectual property policies. For information about these policies, see [www.princeton.edu/patents/intelprop.htm](http://www.princeton.edu/patents/intelprop.htm).

### **Princeton University Name and Seal**

No individual or organization of the University may use the name Princeton University or a name that suggests Princeton University, or the name of any Princeton University organization, except to the extent such individual or organization has been officially recognized by the proper University authorities or as permitted under trademark law.

The use of the seal of the University on publications, manufactured articles, and the like is prohibited, except when specifically authorized by the University. Applications for such authorization must be made to the Secretary of the University.

Deliberate misuse of the name or seal of the University by any member of the University community will be regarded as a serious offense.

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## **Guidelines Relating to the Tax-Exempt Status of the University and Political Activities**

### **Introduction**

A basic responsibility of the University is to protect its educational function and the resources accumulated over many years through the generosity of alumni and other friends of the University. There is a close interrelationship between maintenance of the legal status of the University as a tax-exempt institution and fidelity to the educational purposes for which it is chartered and for which it enjoys tax exemption.

No less fundamental is the opportunity for all members of the University community to exercise their prerogatives as citizens. While in some ways distinct, this concern also relates in important ways to the educational mission of the University. A basic principle of a residential university, such as Princeton, is that the education of the classroom is complemented and strengthened by the many opportunities for personal development and growth in a residential community. For this reason, Princeton University has over many years provided facilities for, and encouragement to, members of the University community who wish to pursue varied talents and interests beyond the classroom. The result is a wide variety of existing campus organizations, including political organizations of various sorts, publications, pre-professional associations, musical and theatrical groups, intercollegiate and intramural athletic teams, debating societies, and so on.

Encouragement of an interest in public affairs and the furthering of a sense of social responsibility have long been considered important elements of a liberal education. The University continues to consider self-chosen participation in political and social action by individuals and groups to be a valuable part of the educational experience it seeks to encourage. Such activities on the part of individuals or groups do not, and should not be taken to, imply commitment of the University to any partisan political position or point of view.

To serve these objectives, the following guidelines have been developed. The guidelines are believed to be consonant with the traditional role of the University and to be in keeping with relevant laws.

### **Guidelines**

Members of the University community, as individuals and groups, have the right to exercise their full freedom of expression and association. The University, however, may not under federal law "participate in, or intervene in any political campaign on behalf of (or in opposition to) any candidate for public office" and "no substantial part of the activities" of the University may be directed to influencing legislation. (Section 501(c)(3) of the Internal Revenue Code.) These prohibitions apply as well to campus-based organizations. Therefore:

1. Campus-based organizations which devote no more than an "insubstantial" part of their activities to influencing legislation may be recognized by the University.
  - a. Such recognized organizations will have free use of University facilities and will be eligible to receive University funding.
  - b. Such organizations will not be permitted to use University funds to influence legislation and will not be permitted to solicit tax deductible contributions using the University's name.
2. Campus-based organizations which devote a "substantial" part of their activities to influencing legislation or that participate or intervene in a political campaign on behalf of any candidate for public office may be recognized by the University.
  - a. Such organizations may use University facilities free of charge for organizational meetings.
  - b. Such organizations may use University facilities free of charge to present lectures, seminars and similar programs which are open to the entire campus community and which provide opportunity for discussion and questioning.
  - c. Such organizations will be charged for use of facilities for the appearance of political candidates which are closed events or which do not provide an opportunity for questioning.
  - d. Such organizations cannot use University facilities for the purpose of fund-raising for a political candidate or in order to establish a campaign headquarters.
  - e. Such organizations will not receive funds from the University.
  - f. Such organizations are prohibited from using the University's name to solicit tax-deductible charitable contributions.
3. While the University's name has traditionally been used in limited ways for purposes of identification by individuals and/or organizations connected with the University, individuals and groups must take special care to make it clear that when expressing political views they are speaking only for themselves and not for the University.
4. The Office of Physical Planning will, as in the past, assign space which is not required for other purposes to campus-based organizations which have submitted requests for space through

the appropriate office (normally the Office of the Dean of Undergraduate Students).

5. Any noncampus-based group wishing to use a University facility must obtain permission through the Office of Conference and Event Services. The organizations concerned will be required to pay a reasonable rental charge for the use of the facility and to bear the cost of any unusual janitorial or other related expenses. Generally, off-campus groups that are not charitable in nature will not be permitted to use University facilities for fund-raising purposes.

6. The University's information technology resources and Internet access are intended to serve the educational, research, and administrative needs of the University.

a. It is proper for the University's information technology resources and Internet access to be used for bona fide academic research that may include projects related to current political issues and to the positions taken by various candidates for public office. Research of this kind, so long as it is consistent with accepted academic canons, may use centrally provided IT resources or, with appropriate approval, departmental IT resources. With departmental authorization, such research also may incur related connection or other IT charges against departmental accounts.

b. Studies which in and of themselves might be bona fide academic research may also be designed for partisan political purposes. The University's central computer resources cannot be used for such work nor to advance other causes not directly related to the mission of the University, unless it is paid for from non-University funds or at the regular rate plus the standard surcharge applicable to such work. Similar principles and rules apply to use of all University computer facilities.

7. Campus-based organizations claiming national or regional status must base off campus the portion of their activities that involve or employ people not members of the Princeton University community. Such organizations must also use off-campus mail addresses and non-University electronic resources, including Internet access, for non-Princeton activities.

8. Faculty, staff, and students have an obligation to fulfill all of their normal responsibilities at the University, and while they are free to engage in political activities, such activities must not be at the expense of their responsibilities at the University.

9. Campus-based organizations, no less than other organizations, should realize that they are subject to local, state, and federal laws and that they bear responsibility for compliance with these laws.

Questions about these guidelines should be directed to the Office of the Dean of Undergraduate Students or the Office of the General Counsel.

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## Health and Safety Policies

### **Illegal Drugs**

#### **State Laws**

New Jersey state law classifies heroin, cocaine, amphetamines, LSD, marijuana, and hashish, among other substances, as "controlled dangerous substances." The possession, use, sale, or manufacture of such substances may be subject to mandatory penalties. References to current laws may be consulted at the Office of Public Safety.

#### **University Policy Concerning Use of Illegal Drugs**

The University prohibits the unlawful manufacture, dispensation, possession, use, or distribution of a controlled substance of any kind in any amount on University property, or while in the conduct of University business away from the campus. Penalties for these acts will be administered by the appropriate officer, and in accordance with rules and procedures administered by them (for the faculty and other academic staffs, the Office of the Dean of the Faculty; for graduate students, the Office of the Dean of the Graduate School; for undergraduates, the Office of the Dean of Undergraduate Students; and for administrators and staff, the Office of the Vice President for Human Resources). Penalties range from warning to permanent separation from the University depending on the seriousness of the infraction and the degree to which violation of the policy adversely affects the well-being of the community or the fulfillment of the University's educational mission.

Violations of local ordinances or of state or federal laws regarding controlled dangerous substances by members of the University community may entail University disciplinary actions regardless of where such violations occur, if they are of a serious nature. The manufacture, sale, or distribution of illegal drugs, any involvement in illegal drug use or traffic with minors, and possession or use of the more dangerous or highly addictive drugs, are all considered serious offenses and will be handled accordingly. Depending on the particular circumstances, continued association with the University by violators of this policy may be made contingent upon satisfactory participation in a drug abuse assistance or rehabilitation program.

It is also University policy, in accordance with the Drug-Free Workplace Act of 1988, that all employees, as a condition of employment on projects supported out of federal funds, abide by this University policy regarding controlled dangerous substances and notify the University within

five (5) days of any criminal drug statute conviction for a violation occurring at the workplace.

All members of the University community should be aware that New Jersey State law prohibits the illegal possession, use, sale, or manufacture of controlled substances and drug paraphernalia and that violators may be subject to mandatory penalties in addition to University disciplinary action. Federal law also provides for loss of certain federal benefits (including student loans and research grants) for conviction under any criminal drug statute. More information about New Jersey and federal drug laws may be obtained at the Department of Public Safety, or the Office of the General Counsel.

### **Alcoholic Beverages**

Members of the Princeton University community are expected to be acquainted with and to abide by both state and University regulations regarding the consumption of alcohol. They are also expected to be aware of the social, physiological, and psychological consequences of excessive drinking in order to make responsible and informed decisions about the serving and consumption of alcohol. The University provides regular educational programs on alcohol and drug abuse as well as counseling services.

The University alcoholic beverage policy is designed to be consistent with the laws of the State of New Jersey, which, in general, prohibit the consumption and serving of alcoholic beverages by and to persons under 21 years of age. The policy also reflects the need for mutual respect and personal responsibility within a diverse community. Under no circumstances will the consumption of alcohol constitute a mitigating circumstance when it contributes to the violation of University regulations. Alcoholic beverages will not normally be provided at University events where persons under the legal drinking age for consumption of alcoholic beverages are present, including those sponsored by the University, the residential colleges, the University centers, the Undergraduate Student Government, and the classes. (See the Orange Page 47 for a more detailed description of the alcohol policy.)

### **Smoking**

Smoking is prohibited BY LAW AND BY UNIVERSITY POLICY in all indoor workplaces and places of public access, including but not limited to all academic, residential, and administrative buildings and elevators; individual offices and rooms; athletic sporting facilities; spectator areas at outdoor University events; University-owned vehicles, shuttle buses, and vans; dining facilities and bars; and theaters and concert halls.

### **Policy on HIV Infection**

#### **Introduction**

Princeton University regards human immunodeficiency virus (HIV) infection as an important public health issue for the University community.<sup>1</sup> It does not discriminate on the basis of HIV infection. The University recognizes the responsibility of every individual to prevent transmission of the infection.

Fundamental to the University's response to HIV infection and other chronic illnesses is the commitment to respect the rights and reasonable concerns of everyone, including those individuals living with this condition. Princeton University expects people who are aware that they have HIV infection to take precautions against knowingly infecting others. Education, understanding, compassion, and confidentiality are crucial in dealing effectively and responsibly with the profound issues surrounding this public health problem.

#### **Access**

In compliance with Sections 503 and 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990, and the New Jersey Law Against Discrimination, people living with HIV infection are accorded rights of access to every aspect of Princeton University life, including regular academic, employment, social, cultural, spiritual, and athletic activities, and student support and human resources services. Princeton University makes reasonable accommodations for people living with HIV infection.

#### **HIV Prevention**

**Occupational Health and Safety Practices and Training.** Princeton University adheres to Occupational Safety and Health Administration (OSHA) standards to decrease and prevent transmission of infectious diseases, including HIV infection and hepatitis B virus, through occupational exposure. Employees whose occupations place them at risk of exposure to contaminated blood and other body fluids must practice universal precautions at the worksite. In accordance with OSHA regulations, the University's Office of Environmental Health and Safety is responsible for coordinating OSHA mandated training.

#### **Screening for HIV Infection**

As an institution, Princeton University does not mandate testing for any individual or group. However, the University encourages voluntary testing, which may be obtained through confidential or anonymous testing facilities, because early identification of the infection can minimize its transmission and allow early treatment which may prolong life expectancy and enhance quality of life.

1. HIV infection is a chronic, progressive, immune deficiency disease. The most severe phase is AIDS, (Richard Keeling, "HIV Disease: Current Concepts," Journal of Counseling and Development, January/February, 1993, p. 261).

### **Health Maintenance and Services for People Living with HIV Infection**

**Health Maintenance.** Individuals with HIV infection who choose or find it necessary to reveal their status can discuss, with the appropriate University Health Services (UHS) clinician and/or University staff member, any risks of participating in the University community. As with any other disability, as outlined in the Rehabilitation Act and the Americans with Disabilities Act of 1990, a decision to remain an active member of the community is determined on a case-by-case basis, in consultation with the individual and appropriate offices. Individuals known to be immunologically compromised may be excused from institutional requirements for certain vaccinations that may lead to serious medical consequences.

**Insurance.** Members of the University community may be covered under a variety of health care plans that can be used to cover the cost of medical management of HIV infection. Individual policies cover illnesses at different levels and should be consulted as needed.

### **Legal Issues**

**Compliance.** The vice provost for institutional equity and diversity oversees the University's compliance with federal, state, and local laws which protect people with disabilities, including HIV infection, from discrimination. The University's Office of Environmental Health and Safety oversees the University's compliance with OSHA standards.

**Confidentiality.** All members of the University community are expected to respect others' rights to confidentiality. Non-consensual disclosure of another person's HIV status is strongly discouraged. In addition, those who are responsible for supervising others, such as managers and administrators, may only reveal information about the disabilities of their faculty, staff or students, including their HIV status, on a need to know basis such as to fulfill a request for a reasonable accommodation or provide information to a health care professional providing emergency medical treatment. Clinicians conducting confidential HIV testing at University Health Services are obligated to report positive HIV test results to the New Jersey Department of Health.

**Discrimination.** HIV infection status is treated like any other disability when considering an individual's ability to participate in the community or to fulfill academic or job responsibilities. HIV status does not affect determinations regarding working and living arrangements, admission, hiring, advancement, promotion, or termination of students, faculty, or staff.

In addition, acts of discrimination against any member of the community living with HIV infection, perceived to be HIV positive or serving as a care-taker for someone who is HIV positive may violate federal and state statutes, and recourse may be available under these statutes. Acts of discrimination also violate University regulation and are not tolerated.

### **Conclusion**

Princeton University encourages its community to work together to prevent transmission of HIV and to become actively involved in supporting and caring for members of our community who are living with HIV infection.

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## **Resolution of Complaints and Grievances**

### **Informal Procedures**

The University encourages open and honest communication between members of the community. Most conflict and differences of opinion can be resolved by the individuals directly confronting issues and jointly exploring alternatives. In addition, there are a variety of resources available to individuals who may be called upon to assist in informal conflict resolution. These are, in the case of students and faculty: the dean of the faculty, dean of undergraduate students, and dean of the Graduate School and, in the case of staff: the supervisor's supervisor or department head; the human resources representative, and the Employee Assistance Program counselor. Additional resources include: the SHARE counselor for cases relating to sexual harassment; the director for equal opportunity programs, for problems relating to discrimination; and the University ombudsperson.

### **Formal Procedures**

In cases where conflicts cannot be mutually resolved, the University has established formal grievance procedures. For further information, students should consult the Orange Pages. Faculty, administrators, and staff should consult their relevant policy manuals.

### **Academic Matters**

An undergraduate student with a grievance should first bring it to the attention of the faculty member(s) involved. If the grievance cannot be resolved in this way, the student should discuss the matter with the chair of the relevant department. If the student feels that a satisfactory resolution has not been found, he or she may present the grievance to the dean of the college.

The dean of the college resolves all aspects of the complaint unless he or she determines that the grievance raises issues of faculty misconduct, in which case he or she should refer those portions of the complaint to the dean of the faculty. The dean of the faculty renders a decision about issues of faculty misconduct and may, in his or her discretion, choose to appoint a special committee of faculty to advise with regard to resolution of those issues. (A graduate student with a grievance should consult the procedures on pages 74–75.)

A student who questions the appropriateness of a grade should begin by talking to the faculty member in charge of the course. If the student continues to believe that the grade seems unjust, the next step would be to talk to the chair of the department (or departmental representative) or the director of the program in which the course is offered. If the student is still not satisfied, the situation may be reported to the dean of the college. In unusual circumstances, where these conversations have not yielded a satisfactory understanding, a formal appeal may be presented to the Faculty Committee on Examinations and Standing. A grade change can be submitted by the faculty member in charge of the course if circumstances warrant such an action.

### **Nonacademic Matters Involving Students**

In some instances, an alleged infringement upon the rights or sensibilities of an individual, including complaints of discrimination or harassment by an undergraduate or graduate student, can be discussed with that student. If this is not appropriate or advisable, or does not lead to a satisfactory resolution, the matter should be immediately brought to the attention of the dean or an associate dean of undergraduate students or the dean or an associate dean of the Graduate School. If the matter is not resolved through discussion or through formal action by a dean, a complaint can be made in accordance with the normal disciplinary procedures (see page 65), or, in cases of alleged infringement by graduate students, to the dean of the Graduate School (see page 71).

### **Nonacademic Matters Involving Undergraduate Student Organizations**

If a grievance cannot be resolved directly with the leadership of the student organization, a grievance may be brought to the attention of the dean or associate dean of undergraduate students. The dean may seek advice from the Committee on Undergraduate Life in resolving the matter.

### **Nonacademic Matters Regarding Faculty, Staff, or Administration**

In some instances, an individual who has any concern about, or complaint against, a member of the faculty, staff, or administration regarding nonacademic matters, including complaints of discrimination or harassment, can discuss the concern or complaint with the individual involved. If this is not appropriate or advisable, or does not lead to a satisfactory resolution, the person should immediately, in the case of a faculty member, appeal to the department chair and, in the case of a member of the University staff or administration, to the head of the office. Further appeal, if necessary, may then be made to the Office of the Dean of the Faculty for matters pertaining to faculty, professional library staff, and professional research and technical staff, or to the Office of Human Resources or to the director for equal opportunity programs for all other staffs. All complaints will be investigated promptly.

If the matter is such that a direct discussion of it with the individual involved and/or with his or her department chair or office head does not seem appropriate (because, for example, the concern or complaint is of a personal or private nature), an initial discussion may be sought directly with the Office of the Dean of the Faculty or the Office of Human Resources as appropriate.

Concerns or complaints about nonacademic matters can often be resolved on an informal basis. Whenever an individual wishes to make a formal complaint, however, he or she should review the appropriate staff rules or handbook and then contact the Office of the Dean of the Faculty or the Office of Human Resources to implement the formal review process.

### **Matters Involving Sexual Harassment or Assault or Other Forms of Bias or Harassment**

In cases of alleged sexual harassment or assault—defined on page 5—the complainant may wish to discuss the problem, in confidence, with a member of the Sexual Harassment and Assault Advising Resources and Education (SHARE) Office. In cases of alleged unlawful bias or harassment—defined on page 4—the complainant may wish first to discuss the problem in confidence with the University ombudsperson.

In addition, other administrators, specifically designated to handle these matters discretely, are available in such offices as: dean of the faculty, dean of the Graduate School, dean of undergraduate students, and human resources. These administrators have been selected for their sensitivity to the needs of the diverse population of the University community. They are prepared to offer support and advice about established policies and procedures for dealing with matters of sexual or other harassment. Other resources available to members of the University community who wish to discuss their concerns about sexual or other forms of harassment include: the staff of the Counseling Center at University Health Services, any member of the offices of the dean of the chapel and religious life, the directors of the Women's Center; Fields

Center; Davis International Center; Lesbian, Gay, Bisexual, and Transgender Center; and the directors of student life. For more information, consult the anti-harassment policy and grievance procedures at [www.princeton.edu/diversity/policy/antiharassment](http://www.princeton.edu/diversity/policy/antiharassment).

If discussions with the administrators described above do not lead to a satisfactory informal resolution of a matter involving alleged harassment or bias or sexual harassment or assault by an undergraduate or graduate student, a formal complaint may be made to the dean of undergraduate students or the dean of the Graduate School who may refer the matter to the appropriate disciplinary committee or person for action. In cases of alleged infringement by members of the faculty or other academic staff members (professional library staff, professional research staff or professional technical staff), formal complaints may be made to the dean or associate deans of the faculty; in cases of alleged infringement by members of the administrative and support staff, formal complaints may be made to the vice president for human resources or the director for equal opportunity programs.

### **Protection from Retaliation**

Federal and state law and the University anti-harassment policy prohibit any form of retaliation against a person who files in good faith a complaint of harassment or in good faith participates in the reporting or investigation process.

Prior to the conclusion of an investigation and findings, a complaint of harassment does not constitute proof of prohibited conduct. As such, the complaint shall not be taken into account during reappointment, tenure, promotion, merit, or other evaluation or review until a determination has been made that the University's policy has been violated.

Complaints of retaliation should be reported as violations of the anti-harassment policy. Retaliatory conduct may result in serious disciplinary sanctions.

### **Appeals Regarding Procedural Unfairness in Initial Proceedings**

The Judicial Committee of the Council of the Princeton University Community may, in accordance with the charter of the council, hear procedural appeals from the Committee on Discipline and nonacademic decisions of the dean of the Graduate School. Rules and Procedures of the Faculty provides that the Faculty Advisory Committee on Policy may hear appeals from decisions of faculty committees made on academic grounds that directly affect a student's academic standing and for which appeal is not otherwise provided.

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## **The Council of the Princeton University Community (CPUC)**

In May 1969, a Special Committee on the Structure of the University, chaired by Professor Stanley Kelley Jr., proposed the establishment of a Council of the Princeton University Community as "a permanent conference of the representatives of all major groups of the University" where "they could each raise problems that concern them and ... be exposed to each other's views." The council first met on October 27, 1969. Typically, it meets six times during the academic year, with special meetings as needed. Copies of the CPUC Charter are available in the office of the council secretary, 1 Nassau Hall.

### **Powers**

The Council of the Princeton University Community is primarily a deliberative and consultative body, with authority to:

1. Consider and investigate any question of University policy, any aspect of the governing of the University, and any general issue related to the welfare of the University; and to make recommendations regarding any such matters to the appropriate decision-making bodies of the University or to the appropriate officers of the University.
2. Make rules regarding the conduct of resident members of the University community, which rules shall be binding on them; but the council may delegate authority to make rules, and, with respect to matters mainly of concern to a particular group within the University community, the authority to make rules shall normally be delegated to a body representing that group or shall be exercised in a manner otherwise acceptable to the members of that group.
3. Oversee the making and the applying of rules regarding the conduct of resident members of the University community, whether such rules shall have been made by other bodies, by the council itself, or by officers of the University, for the purpose of ensuring that such rules protect the rights of individuals and the legitimate interests of the University, and that they are clear in meaning, fair, enforceable, and in conformity with the law. The council normally would not consider matters primarily academic in nature.

### **Membership**

Following a series of charter amendments in the fall of 1975, membership of the CPUC was set at 50, as follows:

1. *Administration.* (6) The president, the provost, and four appointed each year by the president from among the executive vice president, the financial vice president and treasurer, the

secretary of the University, the dean of the faculty, the dean of the Graduate School, the dean of the College, and the vice president for campus life.

2. *Faculty.* (15) At least two from each division and four nontenured.

3. *Undergraduates.* (12) Including the president and vice president of the Undergraduate Student Government and 10 undergraduates elected at large from the student body in April.

4. *Graduate Students.* (7) At least one from each division.

5. *Alumni.* (4) Chosen by the Alumni Council.

6. *Staff.* (7) One each from the professional library staff, the administrative staff, the professional research staff, the professional technical staff, and the office staff, and two staff members from groups not otherwise represented.

### **Committees**

Much of the work of the Council of the Princeton University Community is conducted through its standing committees or through such special committees as have been established from time to time. The standing committees of the CPUC are:

1. *The Executive Committee.* The President of the University is the presiding officer of the council and of the Executive Committee. The committee has 14 members, including, in addition to the president, six faculty members (at least one from each division and one nontenured), three undergraduates (including the chair of the Undergraduate Student Government), two graduate students, and two members selected by the council from among the staff and alumni representatives. The Executive Committee sets the council's agenda, recommends the appointment of members of council committees, may consider any matter within the jurisdiction of the council, and serves as an informal advisory body to the president.

2. *The Committee on Rights and Rules.* The Committee on Rights and Rules, on behalf of the Council, considers and investigates the adequacy of all rules regarding the conduct of resident members of the University community, and the adequacy of the procedures for making and applying such rules.

3. *The Committee on Governance.* The Committee on Governance, on behalf of the council, considers and investigates questions relating to the governing of the University. It also consults with the Executive Committee of the Board of Trustees regarding the filling of vacancies among the charter and term trustees, and meets with the Committee on Honorary Degrees of the Board of Trustees to consult with it concerning the awarding of honorary degrees.

4. *The Committee on Priorities.* The Committee on Priorities, which is advisory to the president, reviews the budget of the University, considers issues that arise in the course of the preparation of the budget, and reviews plans for the development of the University. The provost chairs the committee, which also includes the dean of the faculty, the vice president for finance and treasurer, six faculty members (at least one from each division and one nontenured), four undergraduates and two graduate students (chosen with due consideration to the variety of interests represented in the student body), and one member from one of the other groups represented on the council.

5. *The Committee on Resources.* The Committee on Resources, on behalf of the council, considers questions of general policy concerning the procurement and management of the University's financial resources. This committee concerns itself primarily with the University's responsibilities as a stockholder, and typically considers a number of proxy questions each year.

6. *The Judicial Committee.* The Judicial Committee hears and decides, in the first instance or on referral by another judicial body of the University, cases that involve alleged violations of those established rules and regulations of conduct which apply, in at least substantially the same form, to all resident members of the University community, and whose violation constitutes a serious infringement of the recognized rights of members of the University community, a serious offense against the University's mission, a threat to the ability of the University to carry on its essential operations, or a substantial impairment of the common and legitimate interests of the University community. The Judicial Committee also may decide to hear appeals from persons found guilty of violating established rules and regulations, when it has been alleged by such persons that the proceedings against them have not been fair and reasonable.

Appointment to the Judicial Committee is contingent on the appointee's recognition of the committee's judicial role and a commitment on his or her part to apply established rules and regulations impartially to the facts of individual cases. Individuals with responsibilities for enforcing rules of conduct or for keeping order on campus, as well as holders of and candidates for certain offices, are excluded from membership. The committee consists of three faculty members, two undergraduates, one graduate student, one member from one of the other groups represented on the council, and a chair, appointed by the president, who votes only in case of a tie. In its report proposing the establishment of the CPUC, the Kelley Committee expressed its hope that the Judicial Committee would ensure that members of the University community, if they stand accused of the same offense and if it is a serious one, will have their cases decided in accordance with the same interpretation of the rules involved. The procedures of the Judicial Committee are detailed below.

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## The Judicial Committee of the Council of the Princeton University Community

### **Powers and Membership**

The Judicial Committee of the Council of the Princeton University Community hears and decides, either in the first instance or on referral from one of the other judicial bodies, cases that involve alleged violations of those established rules and regulations whose violation constitutes a serious infringement of the recognized rights of members of the University community, a serious offense against the University's mission, a threat to the ability of the University to carry on its essential operations, or a substantial impairment of the common and legitimate interests of the University. The committee also hears and decides appeals from persons found guilty of violations of rules by other judicial bodies, when such persons have claimed that the proceedings against them have not been fair and reasonable. The committee's members include three members of the faculty, two undergraduate students, one graduate student, one member from one of the other groups represented on the council, and a chair who does not vote except in the case of a tie. The nature and structure of the Judicial Committee ensures that members of the University community, if they stand accused of the same offense and if it is a serious one, will have their cases decided in accordance with the same interpretation of the rules involved. Under previous arrangements, cases of alleged offenses by undergraduates, graduate students, faculty members, and staff members were heard by different judicial bodies, and there was no mechanism to prevent the different judicial bodies from putting quite different constructions on the same rule.

Special judicial bodies and special procedures do, however, remain in existence and continue to deal with alleged violations of rules which apply only or mainly to some particular group within the University (e.g., rules governing students, faculty, staff, Public Safety officers, or administrators). Acts which are an exercise of a function unique to such a particular group are not subject to the jurisdiction of the Judicial Committee so long as it would have been reasonable for a person in the circumstances to have believed that his or her acts were properly within the scope of his or her particular function. Such acts may, however, fall under the jurisdiction of the rule-applying body or office of the particular group.

### **General Procedures**

1. The procedures of the Judicial Committee, which are outlined below, are designed to enable the committee to fulfill its charge, and to guarantee to each person charged the following rights in the interest of ensuring procedural fairness:

- a) To receive in writing in advance of a formal hearing a statement of the charges against him or her, together with a list of the witnesses and of the material evidence which the person bringing charges intends to make available to the Judicial Committee.
- b) To testify if he or she desires and to answer questions if he or she desires without prejudice for failure to testify or answer questions.
- c) To supply to the committee material evidence and a reasonable number of witnesses to be called in his or her own defense.
- d) To question all witnesses called by the committee, and to challenge the evidence.
- e) To have an adviser of his or her choice from the resident members of the University community at any hearing, open or closed, who may speak on his or her behalf.
- f) To receive upon request a record of the proceedings at the hearing. The procedures of the committee also ensure that all persons involved in judicial hearings have the right to orderly procedures.

Any individual involved in proceedings is entitled to be protected from harassment, or fear of harassment, by other participants or by observers. In addition, the University community is entitled to have the triers of fact protected from the influence of threats, harassment, or unruly mob behavior.

2. The procedures of the Judicial Committee were formulated after consideration of a multitude of matters, among them the nature of this University community, the role of the Judicial Committee in the community, procedures of other organizations in and out of this University which have related interests, procedures in courts of law, procedures in congressional and other legislative hearings, the needs, the interest, and the welfare of the individuals who form this community, and the experience of the committee in its first year of existence. Some aspects of the procedures are investigative, others are deliberative. They provide the Judicial Committee the opportunity:

- a) to ascertain the facts surrounding an alleged violation of University regulations;
- b) to explore issues related to such charges, in order to determine possible mitigating circumstances which should be taken into account in the levying of the penalties, if any.

They aim therefore to facilitate the disposition of matters brought to the Judicial Committee with the greatest degree of justice and fairness for all concerned. The committee assumes that all members of the Princeton University community participating in proceedings will observe generally accepted principles of honesty and fair play.

### **Procedure in Cases Not Previously Heard by Another Authority**

#### *1. Charges*

a) Persons wishing to place a case before the committee shall file a complaint with the secretary of the Council of the Princeton University Community within a reasonable time, stating the nature and circumstances of the alleged violation of University regulations.

b) The secretary will immediately forward the complaint to the chair of the committee, who will make a preliminary determination of jurisdiction, subject to review by the full committee. The chair may refer the case to another authority or agree to put the case before the committee.

c) If the case is to come before the committee, the chair will obtain from the person making the complaint a formal statement of the charges being made against a specific person or persons, identifying the University regulation or regulations alleged to have been violated, together with an outline of the case to be presented.

2. *Notification.* Upon receipt of this information the chair will immediately send a copy of the information described in the paragraph above to each person so charged, informing him or her of the date and place of a pre-hearing conference, to be held within one week of the date of the notification.

3. *Pre-hearing conference.* The purposes of the pre-hearing conference are the following:

a) To give the committee sufficient information for it to determine whether or not a hearing is necessary to determine the facts. If the matter of jurisdiction is at issue, and if a hearing is necessary, the determination of jurisdiction will be the first order of business in the hearing.

b) To make sure that the persons charged fully understand their rights, the charges against them, and the nature of the supporting evidence.

c) To clarify for all parties the procedures to be followed by the committee in hearing and deciding upon a case.

d) To determine whether the persons charged wish to request an administrative determination on the charge. Persons against whom charges have been made may request, and at its discretion the committee may approve, an administrative disposition of the case by an appropriate officer of the University. Under these circumstances the persons charged must sign a statement indicating that they understand the charges against them and their right to a hearing before the Judicial Committee, but that they waive this right and the right to an appeal to the committee. The administrative officer will dispose of the case, sending to the persons charged and to the committee a record of the disposition of the case. Administrative disposition of a charge in no way denies the right of an appeal to the president of the University.

e) To determine whether the persons charged desire an open or a closed hearing and to discuss the scheduling of the hearing.

f) To determine whether any member of the committee chooses not to hear this case because the member finds that he or she cannot in good conscience apply established rules and standards in this case (Charter, 5.6.3). The pre-hearing conference will be closed. It will be attended by the committee and its staff, the persons charged or their representative, the persons bringing charges or their representative, and any other persons invited by the committee. Each party to the case may be accompanied by an adviser from within the University community. If after proper notice the persons charged do not appear, the committee will proceed to make its own determination in the case. At least three members of the committee shall be present. After the pre-hearing conference, the committee will meet privately to determine on the basis of what it has heard whether a hearing is required under Section 5.6.1 of the Charter of the Council of the Princeton University Community and to set a date for the hearing. Parties to the case will then be informed of the decision of the committee. If the case is to be heard, the committee will obtain from all parties involved:

(1) a list of the witnesses prepared to give testimony if called by the committee, with an indication of the relevance of the testimony of each to the charges being made;

(2) a description of the material evidence available to the committee, with an indication of its relevance.

The committee will distribute to all parties involved a list of all witnesses and material evidence to be presented.

4. *Hearings.* Hearings will be closed unless the persons being charged request an open hearing. At any point during an open hearing, the persons charged may request permission to close the hearing. The committee will rule on any such requests. In exceptional circumstances, the committee reserves the right to hold a portion of the hearing in closed session.

a) At a closed hearing only the persons bringing charges and their advisers, the persons being

charged and their advisers, witnesses called by the committee, members of the committee, and the committee staff may be present. The names of the persons charged will not be released by the committee, and the records of the case will be considered confidential.

b) At an open hearing, in addition to the persons mentioned in the paragraph above, spectators from the University community may be admitted up to the normal seating capacity of the room. Open hearings will be held in the Peyton Hall lecture room or a room of approximately equivalent size. The campus radio may be given permission to broadcast the hearing under conditions approved by the committee, or arrangements may be made for the broadcast of the hearing in an additional auditorium if there is sufficient public interest to justify these arrangements.

c) The chair of the Judicial Committee is responsible for maintaining conditions which are consistent with the orderly conduct of hearings. In carrying out this responsibility, the chair is obligated to prevent and deter hostile, threatening, or unduly disrespectful remarks or behavior by any individuals present and also to prevent and deter prolonged or emphatic audience response to testimony or argument. In meeting this obligation, the chair may take such steps as are outlined under "Responsibilities of the Chair," paragraph 3, page 29.

d) The committee will call a reasonable number of witnesses requested by the persons bringing charges and the persons being charged. Normally, these witnesses will be called from lists provided before the opening of the hearing by the persons involved and made available to both parties, but the committee may call any witnesses it pleases. Normally, witnesses shall not be present at the hearing until they present their testimony.

e) The committee may permit additions to lists of witnesses or evidence when it is convinced that the availability or relevance of such witnesses or evidence could not have been foreseen before the hearing began. Advance notice of such additions shall always be given to all parties, and the committee shall allow such delay as it may consider necessary to prepare for the questioning of added witnesses or the examination of added exhibits.

f) All witnesses may be questioned by all parties in a case and their advisers and by any member of the committee. The chair may rule any question out of order.

g) All material evidence and documents shall be formally introduced as presented in the hearing, lists of the exhibits proposed for presentation as evidence and copies of documentary evidence having been made available in advance to all parties in a case. The committee may introduce additional materials during the course of the hearing.

h) The credibility of any evidence which is introduced may be challenged by any parties in a case.

i) The judgment of the committee shall be based entirely upon testimony and evidence presented formally during the course of the hearing. The persons charged shall be presumed innocent until the committee is convinced beyond a reasonable doubt by the evidence presented during the hearing that they are guilty. In determining their guilt or innocence the committee will disregard any previous history of disciplinary action with respect to the persons charged. If the persons charged are found guilty, the committee may, in determining a penalty, take into account any previous disciplinary action.

j) The persons charged and the persons bringing charges may be questioned by the members of the committee and by the other parties in the case. The persons charged may decline to answer questions without prejudice.

k) A verbatim record of the hearing shall be made and kept under the supervision of the secretary of the committee. This record shall be supplied to the persons being charged and the persons bringing charges upon request.

#### *5. Judgment*

a) After the parties in the case have had a reasonable opportunity to present their arguments and to question opposing witnesses, and the committee has completed its questioning, the committee shall meet in private to reach a decision and, if it finds the charges to have been sustained, to assign an appropriate penalty.

b) Five members, not including the chair, shall constitute a quorum. All decisions shall be made by a majority of those present.

c) When the committee has reached its decision, the chair will notify the parties and then those authorities mentioned in Section 5.6.6 of the charter of the Council of the Princeton University Community and the press of the committee's disposition of the case. The committee's report will include the result of its vote and a majority opinion, together with minority opinions, if any. If the hearing has been closed, the committee in making its public report will be guided by the principles concerning the confidential nature of student records.

#### **Procedure in Appeals of Cases Previously Heard by Another Authority**

1. According to the charter of the council, the Judicial Committee may also decide to hear appeals from persons found guilty of violating established rules and regulations, when it has been alleged by such persons that the proceedings against them have not been fair and reasonable.

a) The person wishing to have a judgment against him or her reviewed shall, within one week (during which the University is in session) of the original judgment, file a request for review with the secretary of the council, stating the authority that made the judgment and the date, and indicating the reasons for requesting a review.

b) The secretary will immediately forward the request to the chair of the committee.

c) The chair will immediately notify the original authority that the request for review has been made and will as promptly as possible obtain from the authority that made the earlier judgment the record of the proceedings in the case. A copy of this record will be furnished by the committee to the person making the request.

d) The person making the request will file with the chair of the Judicial Committee within one week of receiving the record a memorandum stating in what specific respects he or she alleges that the procedures or the determination of the penalty against him or her have not been fair and reasonable. In preparing this memorandum, the person requesting review has the right to seek any advice he or she chooses.

2. *Preliminary determination.* The committee will meet in closed session and decide on the basis of the appeal memorandum whether there are sufficient grounds to hold a formal hearing. It may at its discretion call the person making the appeal for questioning in closed session, but if it does, the authority which made the original judgment shall be invited to have a representative present, who may participate in the questioning. Note that the only grounds for appeal are that the original proceedings "have not been fair and reasonable."

3. *Hearing.* If the committee decides that a reasonable doubt exists that the original proceedings were fair and reasonable, a formal hearing will be conducted, the procedures being analogous to those outlined under 4 and 5, pages 27–28.

4. *Judgment.* The judgment will be given according to the same procedures as in 5, page 28. The committee may decide to uphold the previous judgment, to reverse or alter the previous judgment, or to return the case to the earlier hearing authority. The ruling of the earlier authority will be upheld unless convincing argument is presented to the contrary.

### **Responsibilities of the Chair**

1. The chair of the Judicial Committee shall preside at all hearings. If the chair must be absent during part of a hearing, he or she may designate another member of the committee to act in the chair's place as deputy chair for the period he or she is absent. If, in extraordinary circumstances, an entire hearing must be conducted in the absence of the chair, the committee shall elect a chair pro tem from among its members by a majority vote, selecting a person from the alternate panel to replace him or her as a regular voting member so long as the chair shall be absent.

2. The chair, as presiding officer, is responsible for procedural correctness. The chair

a) makes an initial determination of any procedural question which arises during the course of a hearing;

b) rules on the propriety of any questions asked by members of the committee, persons charged, or persons bringing charges.

3. The chair is responsible for maintaining conditions which are consistent with the right to orderly conduct of hearings as described in 4c, page 27. When persons attending the hearings as observers engage in acts which violate this right, the chair may, after due warning, require the withdrawal of such persons from the hearing room. The chair may also, after due warning, adjourn the hearing and reconvene, barring all observers except members of the press. The chair may also initiate, on consultation with the committee, charges against observers who are disrupting the hearing.

In cases where the violation of this right stems from acts of persons charged or persons bringing the charges, the committee shall normally adjourn the case and begin hearings within 48 hours on the charge of violating the rights to an orderly hearing. If such persons persist in their disruptive actions, the committee may, after due warning in exceptional instances, continue these proceedings in their absence.

a) Any decision of the chair may be challenged by a member of the Judicial Committee. The committee will meet, if necessary, in executive session to consider the decision and vote on it. A majority of the committee is required to reverse the chair's decision.

b) In hearing cases involving the violation of the right to orderly hearings, the committee shall normally restrict itself to hearing arguments concerning mitigating circumstances involved in the alleged violation. The committee shall then meet to discuss the case and to decide upon appropriate penalties, if any, by majority vote. Penalized individuals wishing to appeal such decisions must address their appeals to the president of the University.

4. The chair shall have no vote in decisions related to the adjudication of charges or the conduct of hearings except to resolve a tie.

### **Order of Proceedings in Cases of the First Instance**

1. The chair shall first call upon the persons bringing charges or their representatives to outline the substantive basis of the charges. They may introduce additional material evidence at this time.
2. Members of the committee may then question persons bringing charges.
3. The chair of the committee shall then call upon persons charged to outline their case.
4. Members of the committee may then question the persons charged.
5. Witnesses will then be called by the committee in an order to be determined by the chair.
  - a) Witnesses normally will first be questioned by members of the committee, then by the persons bringing charges, and, finally, by the persons charged. Each group may, in the same order, then re-question each witness and the members of the committee may ask final questions of witnesses before they are dismissed. (Since all witnesses are called by the committee in order to facilitate its investigation and adjudication of charges, there are no friendly or hostile witnesses, and cross-examination, redirect examination, and re-cross-examination procedures are not germane.)
  - b) Witnesses will normally not be present before giving their testimony. After they have been questioned, they may remain at an open hearing and may be called for further questioning by the committee.
  - c) Persons charged and persons bringing charges will always have an opportunity to speak in direct rebuttal of evidence or the testimony of witnesses when it is their turn to address themselves to the committee.
  - d) In asking questions of witnesses, persons bringing charges and persons charged may address themselves to the substantive basis and validity of testimony. The committee will make every effort to protect each witness from undue harassment during a hearing.
6. After all witnesses have been called, persons bringing charges and persons charged may question the evidence and documents and raise additional questions. These parties may address their questions directly to one another, unless the chair rules otherwise.
7. Members of the committee may at any time question the persons bringing charges and the persons charged. The latter may decline to answer without prejudice.
8. The chair shall then call upon the persons bringing charges and the persons charged to summarize their positions and to make concluding remarks.
9. At the completion of concluding remarks, the chair may make summary remarks on behalf of the committee and shall close the hearing. The committee shall then meet in executive session in order to make its judgment and to impose penalties, if any.

### **Order of Proceedings in Appeals Cases**

The order of proceedings in appeals cases is the same as that in cases of the first instance, except that persons making an appeal present their case first and representatives of the body having made the original decision second.

### **Procedural Requests**

1. The parties to a case may request a ruling by the chair concerning procedural correctness at any time during the hearing
2. The parties to a case may request that the committee add witnesses to be called before it or that the committee call witnesses in a specified order.
3. At any point during an open hearing, the persons charged may request permission to close the hearing. The committee will rule on any such requests.
4. Any member of the committee may request a recess of the hearing so that the committee can meet in executive session at any time during the hearing.

### **Evidence**

1. Normally, evidence accepted by both parties at a pre-hearing conference will be labeled before the hearing opens.
2. Other evidence, not accepted by one party, may be introduced and challenged during the hearing. After arguments are given, the chair shall make a ruling on the issue of its admissibility.
3. Photographic evidence introduced:
  - a) Persons who took photographs used as evidence are subject to questioning by the committee and both parties to a case as to the circumstances under which the photographs were taken.
  - b) Witnesses who used photographs for purposes of identification prior to the hearing are subject to questioning as to how such photographs were used.

All documentary evidence will be retained in the permanent records of the committee.

### **Reports**

1. In accordance with Section 5.6.6 of the charter of the Council of the Princeton University Community, the Judicial Committee shall submit a written report on the disposition of each case.
2. This report shall include:
  - a) a chronology of the case from the receipt of charges to final disposition;
  - b) a statement of actions taken by the committee pertaining to the case;
  - c) a statement of the findings which were significant and relevant to the disposition of the case and the selection of any penalties; and
  - d) remarks on procedural questions raised during the hearing.

### **Appeals from Decisions of the Judicial Committee**

In accordance with the charter of the CPUC (5.6.5), the president of the University may review decisions of the Judicial Committee in cases not previously heard by another authority and may reduce any penalties imposed by the committee but may not increase them. It has been the policy of each president during the time of the existence of the council, and it is correct in the view of the Committee on Rights and Rules, to regard an appeal to the president chiefly as an opportunity for an individual to seek clemency by explaining special circumstances that might be taken into account with respect to penalties imposed upon him or her. The purpose of an appeal to the president is not to initiate a rehearing of substantive issues of fact or a new determination of innocence or guilt.

Appeals will not normally be considered unless lodged with the president within one week after the Judicial Committee's decision, unless otherwise specified in the decision.

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