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## COMMUNITY STANDARDS AND PROCEDURES

The Office of Residence Life is committed to providing a residential and campus environment that is conducive to academic inquiry in the university tradition. Kean is a metropolitan, comprehensive, teaching university that exists to foster inquiry and public discourse. It is also a community. At Kean, student members of the community are expected to abide by certain community standards that form the basis of the Office of Residence Life residential student conduct and ensure that their visitors do likewise. These standards are embodied within a set of core values that include integrity, fairness, respect, community, and responsibility. When residents fail to adhere to the community standards, appropriate proceedings may be initiated under the Office of Residence Life handbook to address conduct violations and its consequences.

### DEFINITION OF A RESIDENTIAL STUDENT

For the purposes of enforcing the Office of Residence Life handbook, residential students are defined as all persons living in the residence halls and registered for twelve credit hours at the University, and are deemed as full-time pursuing undergraduate, graduate, professional studies, or continuing education.

### THE COMMUNITY STANDARDS PROCESS UPHOLDS COMMUNITY VALUES

The community standards process is intended to protect the interests of all members of the residential campus community, and appropriately address conduct not in accord with the Office of Residence Life handbook. Remedies and sanctions are intended to contribute to the development of student decision-making and to help them bring their behavior into accord with

community values. When a residential student does not conform his/her behavior to community expectations, the residential student may be subject to appropriate remedies and sanctions including, but not limited to, termination of housing contract, placement on the Office of Residence Life No-Trespass list, restriction or loss of the privileges in regards to visitation and/or participation in this residential community. The community standards process is different from criminal and civil court proceedings. Procedures and rights in residential student community standards proceedings are conducted with fairness to all, but do not include the same process afforded by the courts.

### JURISDICTION OVER OFFICE OF RESIDENCE LIFE COMMUNITY STANDARDS

Residential students at Kean University are provided a printed document of the Office of Residence Life Handbook upon check in to the residence hall. Additionally, the Office of Residence Life Handbook may be accessed on the Kean University, Office of Residence Life Web site ([www.kean.edu/~reslife/](http://www.kean.edu/~reslife/)). The Office of Residence Life handbook is also available in the Community Centers of each Residence Hall on the first floor and the Office of Residence Life (Whiteman Hall, Room 008) on the first floor. Residential students are charged with the responsibility to read and to abide by the provisions of the Office of Residence Life Handbook and the authority of the community standards process. The Office of Residence Life Handbook and the residential

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>DEFINITION OF A RESIDENTIAL STUDENT

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standards process. The Office of Residence Life Handbook and the residential student community standards process apply to the conduct of individual residential students and their guest(s). Moreover, the Office of Residence Life Handbook is based on shared values, it sets a range of expectations for the Kean residential student no matter where or when their conduct may take place in the residential halls. Additionally, a residential student's behavior outside of the residential halls may affect their status as a residential community member. In these instances the residential students may be referred to the Office of Student Conduct. The Student Conduct Code applies to conduct that takes place on the campus, at University-sponsored events, and off campus, when the administration determines that the off campus conduct affects a substantial university interest. A substantial university interest is defined to include:

- Constitutes a violation of local, state or federal law. Included are repeat violations of any local, state or federal law committed in the municipality where the University is located.
- Indicates that the student may present a danger or threat to the health or safety of him/herself or others.
- Significantly impinges upon the rights, property or achievements of self or others or significantly breaches the peace and/or causes social disorder.
- Is detrimental to the educational interests of the University.

The Student Conduct Code as well as the Office of Residence Life handbook may be applied to conduct that takes place during the time a person is enrolled as a student, including during intra-semester breaks and between semesters.

The Office of Residence Life Handbook applies to guests of residential community members, whose hosts may be held accountable for the misconduct of their guests/visitors to the residence halls. Sanctions for violations by visitors and guests may be referred to the Office of Student Conduct and/or Kean University Campus Police.

The policies listed here are written as prohibitions; that is, they are stated as behavior that is prohibited in all residence halls, buildings and grounds. These policies are enforced through the Office of Residence Life.

## SPECIAL PROVISIONS

### a. **Attempted violations**

In most circumstances, Office of Residence Life will treat attempts to commit any of the violations listed in the Office of Residence Life Handbook as if those attempts had been completed.

### b. **College as Complainant**

As necessary, Office of Residence Life reserves the right to initiate a complaint, to serve as complainant, and to initiate conduct proceedings without a formal complaint by the victim of misconduct.

### c. **False Reports**

The Office of Residence Life will not tolerate intentional false reporting of incidents. It is a violation of the Office of Residence Life Handbook to make an intentionally false report of any policy violation.

### d. **Group Violations**

When members of groups, individuals acting collusively, or members of an organization act in concert in violation of any policy, they may be held accountable as a group, and a hearing may proceed against the group as joint accused residential students. In any such action, however, determinations will be made with respect to the involvement of each accused individual.

### e. **Immunity for Victims**

The Office of Residence Life encourages the reporting of violations by victims. Sometimes, victims are hesitant to report to college officials because they fear that they themselves may be accused of policy violations, such as underage drinking at the time of the incident. It is in the best interests of this community that as many victims as possible choose to report to Office of Residence Life officials (EX. Residence Hall Director, Resident Assistant, Desk Assistant, Community Assistant, the Office of Residence Life located on the first floor of Whiteman Hall, etc...) To encourage reporting, the Office of Residence Life pursues a policy of offering victims of crimes and severe conduct offenses amnesty from policy violations related to the incident.

### f. **Good Samaritan**

In a residential community, resident students are encouraged to help other members of the community who are in need; to be Good Samaritans. When a student has assisted an intoxicated student in

procuring campus safety and/or professional medical assistance at Health Services, located in Downs Hall or any other healthcare facility, the student will undergo the student conduct process. However, the act of reporting and assisting will be taken into consideration during the process of sanctioning.

g. **Parental Notification**

The Office of Residence Life reserves the right to notify parents/guardians of dependent students regarding any conduct situation, particularly alcohol and other drug violations. The college may also notify parents/guardians of non-dependent students who are under age 21 of alcohol and/or drug policy violations. Where a student is not-dependent, The Office of Residence Life will contact parents/guardians to inform them of situations in which there is a health and/or safety risk. The Office of Residence Life also reserves the right to designate which college officials have a need to know about individual conduct complaints pursuant to the Family Educational Rights and Privacy Act.

h. **Notification of Outcomes**

The outcome of an Office of Residence Life campus hearing is part of the educational record of the accused residential student, and is protected from release under a federal law, FERPA. However, The Office of Residence Life observes the legal exceptions as follows:

1. The Office of Residence Life may release the name, nature of the violation and the sanction for any residential student who is found in violation of an Office of Residence Life policy that is a "crime of violence," including: arson, burglary, robbery, hate crimes, illicit drug(s), criminal homicide, sex offenses, assault, destruction/damage/vandalism of property and kidnapping/abduction. This release of this information may occur for reasons of clearly reporting and/or referrals to Kean University Campus Police, the Office of Student Conduct, and/or the Office of the Vice President of Student Affairs.

i. **Defenses**

It has become common for residential students accused of policy violations to try to defend their actions with excuses, such as prescription drug interactions, self-defense, disabilities, etc. The college's policy on defenses is clear. Defending your actions is admitting to a policy violation. "Yes, we fought, but he started it." This still means you had a fight, and that violates our rules. You may have taken someone's property under the influence of an anti-depressant, but you still took someone else's property. While your defense will not excuse your actions, the Office of Residence Life will consider the legitimacy of your defense into consideration in addressing the proper sanction. If you were not the aggressor in a fight, you will still be sanctioned, but your sanction may be lesser than the sanction of the person who started the fight.

j. **Misconduct Online**

Students are cautioned that behavior conducted online can subject them to University and/or Office of Residence Life conduct action, such as harassment delivered by electronic media. This may include but is not limited to emails, phones, texting, ext... Student must be aware that items such as blogs, webpages, myspace.com homepages, Facebook entries and similar online postings are in the public sphere, and are not private. These postings can subject a student to allegations of conduct violations, if evidence of policy violations is posted online. The University does not regularly conduct investigations for this information, but will take action if and when such information is brought to the attention of Office of Residence Life officials.

## **COMMUNITY STANDARDS FOR RESIDENTIAL STUDENT COMMUNITY MEMBERS UNDER THE OFFICE OF RESIDENCE LIFE HANDBOOK**

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### **INTEGRITY**

Office of Residence Life residential students exemplify honesty, integrity and a respect for truth in all of their dealings.

### **FAIRNESS**

The Office of Residence Life residential students honor fairness and strive for fairness in all their dealings and interactions.

## **COMMUNITY**

Kean University residential students honor and value their community.

## **RESPECT**

Kean University residential students show respect for each other, for property and for the community.

## **RESPONSIBILITY**

Kean University residential students are given and accept a high level of responsibility as role models.

## **STUDENT CONDUCT POLICIES**

While the burden of proving that a violation was committed, and where it was committed, always rests with the presenter, once a violation is proven to have occurred in a resident's room or apartment, any individual present at the time of staff confrontation must then prove that they were not responsible for having committed the violation. This includes any guests of the resident student.

Each violation has a cumulative effect, and a person's previous violations during the course of the semester, as well as the previous semester, will be considered when sanctions are prescribed. Additional violations that occur while a resident is on probation may be grounds for termination.

1. Setting or fueling a fire of any size. Possession of highly flammable materials inside the residence halls, including gasoline, gas can or container (whether containing fuel or empty), gas-powered vehicles, kerosene, fireworks, candles or incense, live Christmas trees, neon signs, and strings of lights.
2. Blocking hallways or walkways in any residence hall area so as to cause a fire hazard. This includes blocking the electrical panels and propping open entrance or exit doors.
3. A false report of a fire or other emergency, including pulling a fire alarm station when no safety emergency is evident; yelling "fire" or similar as a prank; and misusing or damaging fire safety equipment (i.e., fire extinguishers, sprinkler system, fire pull boxes, smoke detectors, and similar) this may result in termination of the housing contract.
4. Possession, in the presence of, use, attempted use or manufacture of fireworks, explosives, or any substance with the potential to injure others or damage property may result in termination of the housing contract.
5. Possession, in the presence of, attempted use and or use of any weapon, e.g. gun, knife, bat, metal pipe, paint ball gun, etc. or the use of any object as a weapon to hurt or maim someone may result in termination of the housing contract.
6. Intentionally or recklessly destroying, damaging or defacing Kean University or others' personal property. Negligent destruction, damage or defacement of Kean University or private property. This includes improperly disposing of trash in or around the residence halls,
7. Intentionally or recklessly causing physical harm, or immediate expectation of physical harm, to any person including assault/battery, and intentionally or recklessly provoking and/or engaging in physical fights.
8. Participating in throwing, dropping, projecting or causing to fall from a residence hall room or window any object whatsoever whether it may cause physical harm or not, such as basketballs, garbage bags, glass or plastic bottles, keys, etc. This also includes the passing of any items or similar out of a window. The resident may also be charged for clean up if applicable. Violation of this policy may result in termination of the housing contract.
9. Harassing any person in such a way as to seriously or repeatedly interfere with that person's academic pursuits, sleep, and/or other personal pursuits. This includes malicious pranks, prank phone calls, sexual harassment, hate crimes, threats, online harassment, text messaging, and roommate conflicts. Refer to the Center for Leadership and Service's publications on Greek hazing and pledging.
10. Possession, use, sale, distribution, being in the presence of or providing marijuana or any controlled dangerous substance or illegal drug and/or drug paraphernalia. The Office of Residence Life and Kean University makes no distinction between whether it has or has not been used, or its intended purpose. The Office of Residence Life and Kean University has

a "Zero Tolerance Policy" for drug/narcotic violations and students found in violation will be subject to temporary suspension of housing pending a hearing and/or termination of the housing contract. Suspicious odors relating to drugs/narcotics, as deemed by campus police, may also be subject to disciplinary action.

11. Distribution, sale, possession, or being in the presence of alcoholic beverages or public intoxication. This includes but is not limited to beverages, containers empty or full, kegs, and beer balls.
12. Theft of property or services (credit cards, Kean University identification card, etc.); knowingly possessing stolen property, including state property.
13. Breaking into or entering any locked/secured residence hall space, including maintenance closets, utility rooms, residence hall roof, another resident's room/apartment, or any residence hall building.
14. Providing false information to University officials or campus police. This includes forgery or unauthorized alteration of Office of Residence Life or Kean University documents; lying in a disciplinary proceeding; lying to an Office of Residence Life staff member so as to substantially interfere with the performance of his or her duties.
15. Failure or refusal to produce a University/College identification card upon demand by a Security Officer or other official of the University acting in his/her official capacity or officer of the law.
16. Intentionally, recklessly, or substantially interfering with Kean University officials, including Office of Residence Life officials, in the performance of their duties. This includes failure to comply with staff directives, or preventing staff from conducting their normal duties in handling administrative and disciplinary matters.
17. Failure to monitor a guest's behavior and adherence to policies and/or procedures, regardless of whether the guest is registered under the resident's name. Residents will also be held responsible for damages caused by their guests.
18. Loan of residence hall space. This includes allowing guests to stay in your room/apartment in your absence for an extended period of time. Additionally, individuals who have not signed a Residence Hall Contract are not permitted to reside in the residence halls.
19. Gambling of any kind is not permitted in the University residence halls nor anywhere on campus, or in off-campus residences. Bribery for Residence Life privileges is also forbidden.
20. Violations of conditions of Office of Residence Life Probation, including failure to complete a service project/sanction, failure to pay a fine, or committing a policy violation while on Office of Residence Life Probation. The disciplinary sanction of probation is defined on page 26 of the Residence Life Handbook.
21. Failure to comply with published security policies and procedures regarding guest visitation and improper sign-in procedures. This also includes attempting to trespass or trespassing. You may not sign in a stranger or allow a stranger to follow you into a residence hall.
22. Noisy or disruptive behavior, including a stereo at high volume, excessive yelling or other types of noise, or violations of established floor/hall quiet hours that interfere with another person's or a group's free exercise of academic or personal pursuits, or the ability to sleep or study.
23. Violation of safety and security policies and procedures, the Residence Hall Contract and/or posted in any of the residence halls. This includes refusing to let staff check bags, refusing to sign in during designated times, or propping open doors.
24. Duplicating, lending or borrowing of room or apartment keys, or Kean University Cougar ID cards to or from anyone, including roommates/apartment mates.
25. Violation of a written agreement with one's roommate, apartment mate, or floor mate, developed under the supervision of Kean University Office of Residence Life staff.
26. Tampering with/misuse of Kean University office phones, telephone system or cable system.
27. Unauthorized sales/solicitation activity; use of residence hall space to conduct a private business enterprise, whether legal or illegal. Residents are not permitted to use the apartments or rooms for any commercial purposes whatsoever. Solicitation by residents or guests is forbidden.
28. No paid parties, advertised parties, or meetings of more than twenty (20)

- people per apartment/room (as per fire safety code) are allowed in the residence halls.
29. Unauthorized modification/furnishing of residence hall space that may contribute to a fire hazard or unsafe condition. This includes installation of any air conditioner, ceiling fan, or loft, painting, any personal furniture, the installation of a personal lock or chain, possession/use of waterbeds, splicing cable lines, modifying electrical outlets, use of materials that damage the surfaces of the room or prevent equipment from working properly. This also includes removing screens, drilling holes.
  30. Use of any sports/recreational equipment in any common area in the residence halls, quad area, and/or roadways adjacent to the residence halls. This includes, but is not limited to, football, basketball, lacrosse, hockey, baseball, and any type of skating or cycling.
  31. Harboring a pet or stray animal of any kind. Only fish kept in a tank or aquarium are allowed in the residence halls. The tank must not exceed ten (10) gallons.
  32. Extreme prankish behavior of any kind. This includes, but is not limited to, the use of undue force on someone, e.g. grabbing, pushing or shoving, or vandalizing a person's property, or state property (Kean University).
  33. Smoking, of any kind, is prohibited in all residential facilities. Smoking is only permitted a minimum of three (3) feet from any facility entrance.
  34. Use of abusive or profane language to Kean University staff, Office of Residence Life administrators or other students.
  35. Removing original furnishings from any apartment/room or placing any outside (non-University or University) furnishings such as patio furniture in the apartment/room. Original furnishings include items in all lounges, community kitchens and community centers.
  36. Entering or leaving the building through the windows, roof doors or emergency exits and climbing or scaling the exterior of the building. This may result in termination of the housing contract.
  37. Repeated failure of the monthly extermination and inspection policies and procedures. This may result in termination of the housing contract.
  38. Leaving food cooking unattended resulting in the activation of the fire alarm system or the trouble alarm. Failure to evacuate the building during evacuation procedures including fire alarm evacuations. Use of fire-fueled or electric grills for cooking on landings or open spaces in the residence hall/quad area. The use of flammable materials and heat producing appliances.
  39. Using computer resources for illegal activities. Criminal and illegal use may include, but is not limited to, obscenity, child pornography, threats, harassment, copyright infringement/illegal downloading, defamation, theft, and unauthorized access. The Peer-to-Peer Sharing Policy can be found on page 41 of the Residence Life Handbook.
  40. Disorderly conduct – including conduct which interferes with the operation of the University, and/or conduct resulting from drug/narcotic usage and/or alcohol consumption.
  41. Discrimination against any person on the basis of race, color, sex, national origin, ancestry, marital status, age, or sexual orientation, disability or liability for service in the armed forces, religion or political persuasion.
  42. Indecent exposure and/or actions as defined by New Jersey state statutes. These include but are not limited to failure to wear shirts or shoes, and/or public exposure of body parts.
  43. Lewd or obscene acts as defined by New Jersey state statutes are deemed as public urination, sexual acts or simulated acts performed in public, streaking, surreptitiously taking pictures of another person in a gym, locker room, or rest room, and/or possession or distribution of child pornography or any obscene materials as defined by the standard of the Kean University community.
  44. Violations of Residence Life policies and procedures published in the Office of Residence Hall Contract, the Office of Residence Life Student Handbook, the University Student Handbook, and the University Code of Conduct.

## **DISCIPLINARY PHILOSOPHY**

The Office of Residence Life strongly holds to the ideal that we are bound to

facilitate education for the personal growth of Kean University students. The primary reason a disciplinary system exists is to help resident students realize that groups of people living together need policies; not to restrict, but rather to maximize personal freedom and to make life generally more pleasant.

We strongly believe that every experience in a student's life can be educational. A student's education at the University is not limited to an expansion of his or her academic knowledge, but should include the development of an appropriate moral and ethical code that allows him or her to function properly in society. Furthermore, a student's education should include an awareness of his or her responsibilities to others and how he or she is cognizant of his or her status as a member of a social group and how to live within the rules necessary for proper functioning of that and other groups in society.

In essence, the goal of student discipline is education. It is intended to serve this purpose by identifying socially unacceptable behavior and to ensure that the student adapts to the norms of the University community while simultaneously providing for the needs of the individual student. Of course, to impress upon the student the inappropriateness of his or her past behavior and the need for appropriate behavioral change, punitive action may be necessary. As a last resort, suspension or dismissal may also become necessary in certain cases. This may be the case when the student's conduct is either a flagrant violation of his or her fundamental responsibilities as a student, or presents a serious detriment to the welfare of the University community, or is of a continuing and intentional nature indicative of the improbability of the student's willingness to make the necessary behavioral modification.

Such an approach is not designed to impose rigid standards for acceptable behavior, but to give consideration to individual differences in each case. Action is taken only after careful exploration of the motivation of the student, as well as of the circumstances surrounding the situation. Any atypical incident, whether major or minor, that involves students will be treated individually in terms of unique problems for the student and the University community. This point of

view presupposes that actions taken in apparently similar cases may not always appear to be consistent. Consistency is determined in this situation by the concept of individual solutions to problems; that education is more personally valuable if it is tailored to particular situations in which individual interests may be overlooked.

Therefore, prevention and reeducation are the two basic functions of discipline. Prevention necessitates an awareness of potential areas of trouble and a concern with helping students before they get into difficulty. Reeducation involves assisting the student to reorient and redirect himself or herself constructively with respect to his or her social, personal and ethical development.

The Office of Residence Life disciplinary structure is designed to outline the procedures used in the Residence Life area and to clarify the expectations we hold concerning student behavior on campus.

## **CONDUCT HEARING PROCESS AND PROCEDURES**

### **GENERAL PROCESS**

A report in regard to a policy violation of a residential student for violations of the Office of Residence Life handbook may be made in writing by anyone who feels the Office of Residence Life policies have been violated. An Incident Communication Report should be completed as soon as possible following the incident. An Incident Communication Report form is available in the Office of Residence Life in Whiteman Hall, in the Community Center in the residence halls on the first floor or online at the Office of Residence Life website, [www.kean.edu/~reslife](http://www.kean.edu/~reslife). The report should include as much detail of the alleged violation as possible and to the degree possible include specific references to that part of the Office of Residence Life policies that were violated.

The report must include the alleged actor's name, campus address and telephone number and as much information as is known about the person(s) accused. If there are any witnesses, their names and campus addresses should also be provided if known. As much detail as possible should be provided. In exceptional circumstances, provisions may be made to protect the identity of reporters and witnesses upon request.

The Incident Communication Report form or police report is submitted to the Residence Hall Director, Managing Assistant Director or Director of Residence Life for proper review. The administrator will determine from the report if the incident indicates an alleged violation and will institute the disciplinary process as required.

### **INITIAL INVESTIGATION**

Upon receipt of an Incident Communication Report or University police report, the Office of Residence Life designee will inquire as to the circumstances surrounding the event in question to determine whether there are sufficient grounds to believe that a violation of the Office of Residence Life handbook occurred.

1. Conference(s) will be scheduled to obtain a written statement from the person(s) reporting alleged violation, accused student, witnesses and/or other persons directly involved in the incident.
2. Based upon the sufficiency of the facts collected during the conference(s) and the Incident Communication Report(s) filed, a designee may investigate the circumstances surrounding the incident in question and determine whether it warrants an Office of Residence Life Community Standards hearing or referral. If the designee determines the facts collected and the Incident Communication Report(s) filed does not warrant further action, the matter will be closed. Such determinations are appropriate where the report filed does not violate the Office of Residence Life policies, and/or when there is insufficient evidence to support a reasonable belief that the policy has been violated.
3. **Interim Suspension of Housing and Visitation on Residence halls**  
(Temporary Notice of Office of Residence Life No Trespass)  
Pending the completion of the Office of Residence Life designee's investigation and subsequent hearing process, the designee is authorized to place an accused resident student on Temporary Notice of Office of Residence Life No Trespass for reasons related to his or her physical or emotional safety and well-being, to protect the integrity of the investigation, pending the outcome of a psychological or medical assessment and/or for reasons relating to the safety and well-being of students, faculty, staff, or University property. During the Temporary Notice of Office of Residence Life No Trespass the accused resident student is not permitted nor privileged to visit, nor occupy, or enter any room/apartment, or residential structure, or property in the immediate area and surrounding the residence halls (including Dougall Hall computer lab and the New Upper-class Residence hall computer lab, the residence halls quad area and the area immediately surrounding the Whiteman, Dougall, New Freshman, and New Upper-Class halls), for any reason, on foot or in a vehicle without prior permission from the Office of Residence Life. Failure to comply with Office of Residence Life Temporary Notice of No Trespass may result in arrest by Campus Police. If items are required from the resident student's room/apartment during this time the resident is required to contact the Office of Residence Life to set an appointment to retrieve items. The resident student is permitted to attend classes during this interim suspension of housing and visitation from the residence halls. Whenever such action is taken, an Office of Residence Life community standards conduct hearing will be convened within ten (10) business days, unless an extension is agreed upon. The Office of Residence Life community standards conduct hearing process is outlined below.
4. **Office of Residence Life No-Contact Order**  
The Office of Residence Life may impose a No-Contact Order between residential students when the fear of retaliation and/or harassment may be present. Specific instructions will accompany the No-Contact Order outlining to all parties the expected behavior including face-to-face contact, correspondence, e-mail, instant message or telephone. Friends and relatives are also prohibited from contact on behalf of either party.

#### **STUDENT NOTIFICATION/CONFERENCE**

Following the occurrence of an incident, the student shall receive a Notification Letter along with an Acknowledgement of Receipt Letter informing the student of the forthcoming conference appointment. The letter will indicate the time, date and location required to meet with the respective administrator. In the event that the appointment scheduled conflicts with the student's schedule, it will be the student's responsibility to notify the administrator to reschedule the appointment within 24 hours of the meeting time.

Three attempts will be made to the student regarding notification. Following the third attempt and having made no contact, a decision will be made concerning the alleged violation or violations without the student's input and/or presence based upon the information provided in the Incident Communication Report.

As a student allegedly involved in an incident or witness to an incident, the Office of Residence Life cannot stress enough the importance of contacting the Residence Hall Director as soon as possible.



## **DISCIPLINARY CONFERENCE**

The student will meet with the respective administrator and must provide a statement of the incident in writing on an Incident Communication Report form. Incident Communication Report forms may be obtained at the time of the conference, the community center in the residence halls, or the Office of Residence Life.

The student will be permitted to present witnesses and/or information on their behalf at the scheduled conference. In addition, a student may attend the conference with an advisor; however, the advisor will not be permitted to participate in the conference directly. The advisor may communicate only through writing, outside communication, or prior to the beginning of the disciplinary process.

**A student wishing to review documented reports of the alleged incident may do so via the Office of Residence Life prior to the date of the conference. Following the conference, the appropriate sanction and/or sanctions will be determined pending any further investigation.**

## **STANDARD OF PROOF**

The Standard of Proof to find a student responsible for a violation is known as preponderance of evidence. This is equated to 50.1% that the student was responsible for the violation; in other words, more likely than not. Once the Office of Residence Life establishes that the incident occurred, it is the student's responsibility to prove that s/he is not responsible.

## **DECISION LETTERS**

A student will receive a Decision Letter once the disciplinary investigation process is completed. A Decision Letter will provide the student with a basic chronology of events, alleged violations, sanctions (if any) and appeal information. There is no specific time limit regarding the distribution of a Decision Letter although timeliness is stressed. Should a student wish to appeal the decision, a deadline will be provided. For further information regarding the Appeal Process, please review the Appeal Process section below.

## **APPEAL PROCESS**

Students are given the opportunity to appeal an administrator's decision to the Managing Assistant Director for Community Standards or the Director of Residence Life (or designee). A student shall have the right to appeal on any of the following criteria:

1. Violation of Student's Rights: the student believes that there was substantial and prejudicial failure to follow procedures as stated on page 25.
2. Severity of Sanction or Sanctions: the student accepts responsibility for the violation and/or violations but believes that the sanction or sanctions are unduly severe.
3. New Evidence: the student is able to provide additional evidence that was not available at the time of the conference.

The written appeal must state the reason or reasons for the appeal (any one or combination of the above). Students will have two (2) business days to submit a letter of appeal. Upon receipt of the Appeal Letter, the initial sanction or sanctions may be temporarily suspended, based upon the discretion of the respective administrator, until an Appeal Conference Decision is completed (this can include Notices of No Trespass).

## **CONDUCT OF MANAGING ASSISTANT DIRECTOR, DIRECTOR, OR DESIGNEE REGARDING APPEALS**

1. The Managing Assistant Director for Community Standards (or designee) or the Director of Residence Life (or designee), will review the student's written Letter of Appeal within five (5) business days of receipt to determine whether there are sufficient grounds for an appeal.
2. If the Managing Assistant Director for Community Standards (or designee) or the Director of Residence Life (or designee), determines that there are not sufficient grounds for an appeal, the student will be notified in writing within five (5) business days.
3. If the Managing Assistant Director for Community Standards (or designee) or the Director of Residence Life (or designee), determines that there are grounds for an appeal s/he may:
4. reverse. sustain. or modify the decision. and reduce the sanction:

4. review, confirm, or modify the decision, and reduce the sanction;
5. reconsider the complaint in light of the identified basis for granting the appeal, including interviewing parties/witnesses, implementing procedural charges, or conducting a new hearing;
6. remand to the original Hearing Officer for reconsideration of complaint with specific instructions. The Hearing Officer will interview parties/witnesses, implement procedures as directed and issue a final decision, as appropriate.
7. The decision of the Managing Assistant Director for Community Standards or the Director of Residence Life (or designee), will be final within the residential disciplinary structure.

**Appeals may occur only once:**

1. From the Residence Hall Director to the Managing Assistant Director of Community Standards(or designee).
2. From the Managing Assistant Director (or designee) to the Director of Residence Life (or designee).

**STUDENT'S RIGHTS**

Each student living within the residence halls has rights that are recognized by the disciplinary system.

These rights are as follows:

1. To be assumed not responsible by the Office of Residence Life administrator until found responsible, by greater weight of believable evidence, of unacceptable behavior.
2. To be informed by the Office of Residence Life administrator of the minimum and maximum sanctions that may be imposed.
3. To be provided with written notification of the specific charges by the Office of Residence Life administrator.
4. To be informed that written or physical evidence collected may be presented during the conference.
5. To review the document file and documentation prior to the scheduled conference.
6. To have an advisor present during the conference.
7. To have a fair disposition of all matters as promptly as possible.

**MITIGATING AND AGGRAVATING CIRCUMSTANCES**

If a resident is found responsible for a violation of any Office of Residence Life policy and/or procedure the administrator involved in the sanctioning process may consider mitigating and aggravating circumstances in recommending or imposing a sanction.

Factors that may be considered, after responsibility has been determined, are:

1. Present attitude of respondent.
2. Past administrative or disciplinary record of the respondent.
3. The severity of damage, injury or harm resulting from the offense.
4. Whether the violation involved an action directed at another because of his or her racial, religious or ethnic background or gender.
5. Whether the respondent promptly took responsibility for his or her violation.
6. The respondent's honesty (or lack thereof) and cooperation with staff during the investigation of the violation and subsequent administrative disciplinary proceedings.

Given the seriousness of the charges regarding the possible termination of a student's Residence Hall Contract, mitigating circumstances are less likely to affect sanctions for violations of lesser charges.

**OFFICE OF RESIDENCE LIFE SANCTIONS**

Violations of Office of Residence Life policies and/or procedures may result in a resident having to face a range of administrative sanctions. The sanctions include, but are not limited to:

1. **Written Letter of Warning** – further violations may result in additional disciplinary action. The student is expected to familiarize themselves with the Residence Life Handbook. Warning Letters cannot be appealed.
2. **Housing Probation** – probation is a serious sanction and is deemed as

2. **Housing Probation** – probation is a serious sanction and is deemed as the final warning. Further violations of any Office of Residence Life policies and/or procedures may be grounds for termination of a resident student's Residence Hall Contract. Probation may be imposed for six months or one year, but not limited to, depending upon the severity of the violation.
3. **Residence Hall Contract Termination** – termination of the Residence Hall Contract will be imposed as a result of a progression of sanctions, or immediately, depending upon the violation. The conditions of the Residence Hall Contract Termination are as follows:
  - Resident is notified that their Residence Hall Contract has been terminated and they must vacate their current space within forty-eight (48) hours.
  - Residents are prohibited from reentering the Residence Halls or surrounding areas. This additional sanction is known as a Notice of No Trespass and, if violated, may result in suspension/expulsion from the University and/or campus police action.
  - The period of termination is stated in the Decision Letter and students may reapply for housing at the termination of their housing suspension and/or completion of sanctions. Assignments will be made if space is available.
  - Students may receive a refund for housing charges based on the date of their termination and based on the Office of Residence Life refund policy.
4. **Written notification to the Office of Student Conduct for further University disciplinary action.**

#### OFFICE OF RESIDENCE LIFE SANCTIONS (SUPPLEMENTAL)

Alternative sanctions may be educational in nature so as to assist the students in fostering more of their own personal growth and development as well as to enhance the community at large. Some common alternative sanctions are as follows:

1. **Alcohol Education Class ("Choices")**: this class addresses issues surrounding the use of alcohol and its effects on the body as well as the community. The class is supervised by the Counseling Center. Students mandated to attend will receive written notification of dates, times, and locations.
2. **Drugs/Narcotics Education Class ("Alternatives")**: this class addresses issues surrounding the use/abuse of drugs and/or narcotics and their effects on the body as well as the community. Students mandated to attend will receive written notification of dates, times, and locations.
3. **Community Service/Educational Projects**: are assigned in addition to, or in lieu of, a specified sanction. Such service and/or projects may be completed under the supervision of Office of Residence Life personnel.
4. **Fines/Restitution**: fines for violated policies and/or procedures or restitution of damage to property.

**Please be aware that failure to complete a supplemental sanction may result in further disciplinary action.**

#### NOTICE OF NO TRESPASS

A "Notice of No Trespass" means that an individual by law is not permitted, nor privileged to visit upon, nor occupy, or enter any apartment, or resident structure, or property in the immediate area and surrounding the residence halls (including the residence hall computer labs, the residence hall dining facility, the quad area, alternative housing locations and the area immediately surrounding Whiteman, Dougall and the new residence halls) of Kean University. This Notice is issued to individuals who have committed serious University/Office of Residence Life offenses and/or violations of the law or who have had their Residence Hall Contract terminated by the Office of Residence Life. A student is required to receive written notification of the Notice of No Trespass when the Residence Hall Contract is terminated. A Notice of No Trespass cannot be appealed.

A Notice of No Trespass may also be issued when immediate removal from the residence halls is required pending the investigation of serious violations deemed as such by the Office of Residence Life. This is a precautionary measure for all involved, including the residential community, and does not

assume responsibility. This may be done for non-resident students and non-students alike.

**A student may be required to continue abiding by this notice from the Office of Residence Life until a decision is made regarding the violation.**

A review of a student's disciplinary file will be initiated upon his or her request once the sanction has been completed or a decision has been reached. The Office of Residence Life reserves the right to extend the suspension of housing, deny an application for housing or complete placement for housing based upon the severity of the violations/sanctions in the disciplinary file.