

University Regulations and Disciplinary Procedures

When students become members of the William Paterson University community it means that they must abide by the University's rules, regulations, and behavioral standards. These standards are reasonable and are based on the concept of responsible citizenship. The University does not attempt to regulate the lives or activities of students except to assure its ability to accomplish its educational mission and protect the health, safety, and security of members of its community.

This document has been developed to articulate the University's behavioral standards and to provide a format that guarantees procedural fairness to students. The implementation of the disciplinary procedures may vary in formality given the gravity and nature of the offense. In addition, the sanctions applied will fall within a range of possible penalties based upon the gravity of the particular offense and any other mitigating circumstances.

Student Code of Conduct

I. Students' Rights and Responsibilities

- a) Students and student organizations should be free to examine and discuss all questions of interest to them and to express opinions publicly and privately. They should always be free to support, by orderly means, causes that do not disrupt the regular and essential operations of the University. [For more information regarding this matter, please refer to the University Demonstration policy.]
- b) Students have the right to affiliate with student organizations and engage in activities, provided those activities adhere to normal University policies and do not jeopardize the health, safety, or welfare of members of the University community.
- c) It is the responsibility of all students of the University to adhere to the letter and spirit of duly enacted University policies, rules, and regulations. Students who violate said policies, rules, and regulations are likely to face disciplinary action.
- d) The University shall attempt to handle disciplinary matters in an expeditious manner.
- e) The University will guarantee procedural fairness in all its disciplinary actions.

II. Institutional Authority to Ensure Fulfillment of the University's Mission

The authority to discipline students for violation of University policies, rules, and regulations is assigned by the President of the University to the Office of the Vice President of Student Development for implementation by the Vice President or by his/her designee.

III. Proscribed Conduct

Disciplinary action may be taken against students for violation of University policies, rules, and regulations including, but not limited to, those listed below:

- A. The possession, use, sale, distribution, or sharing of any controlled substance (or non prescriptive drug or prescription not for the user) or drug paraphernalia in violation of federal, state, or municipal laws.
- B. Violation of the University's alcoholic beverage policy and any federal, state, or municipal laws associated with the possession and use of alcohol.
- C. Theft of University or personal property, removing or transferring University equipment or furniture from one location to another without official authorization, or possession of stolen property.

- D. Any attempt to defraud the University or member of the University community.
- E. Causing damage to University premises or property.
- F. Misuse of, or tampering with, any electrical system, wiring, telephone service, fire safety equipment or other security devices, or the violation of University policy pertaining thereto.
- G. Unauthorized entry into any University building or office.
- H. Violation of published rules governing residence halls.
- I. Possession or use of firearms or weapons of any kind or description.
- J. Possession of fireworks or other combustible materials.
- K. Failure to comply with directives issued by representatives of the University when they are acting in their official capacities.
- L. Assault, physical abuse, verbal abuse, threats, intimidation, harassment, coercion and/or other conduct that threatens or endangers the health or safety of any person.
- M. Disorderly conduct, which is behavior that annoys, alarms, or is disruptive of normal University business or activity.
- N. Intentionally or recklessly interfering with normal University business or University sponsored activities, including, but not limited to, invited speakers, studying, teaching, research, University administration, or fire, police, or emergency services.
- O. Intentionally initiating or causing to be initiated any false report, warning, threat of fire, explosion, or other emergency.
- P. Intentionally furnishing false information to the University or to a University official verbally or in writing.
- Q. Forgery, alteration, or unauthorized use of any University documents or instruments of identification.
- R. All forms of academic dishonesty, including cheating, fabrication, facilitating academic dishonesty such as purchasing or sale of research papers, and plagiarism. (Students charged with a violation of this section of the Code will be subject to the procedures outlined in the separate policy on *Academic Integrity*.)
- S. Hazing, including organizing, engaging in, facilitating, or promoting any conduct that places or may place another person in danger of bodily harm or serious psychological distress. Hazing and aggravated hazing are crimes under the provisions of Title 2C of the State of New Jersey. Subsequent changes in those laws will be automatically included in this Code upon their adoption by the State Legislature.
- T. Computer misuse, including but not limited to, hardware theft or fraud, duplicating copy protected software, unauthorized access, subverting restrictions, and plagiarizing class programs. (Specific rules governing the use of computers and computer labs on campus are developed and distributed by Instruction Research and Technology. Violations of such rules will be construed as violations of this section of the Code of Conduct.)
- U. Unwanted sexual interactions, including verbal and physical acts or threats.
- V. Violations of local, state, or federal law on University property, or off campus when such violation has an adverse effect upon the University or upon individual members of the University community.
- W. Any other action by a student or recognized student group on or off campus that, in the judgment of University officials, has an adverse effect on the University.
- X. Generally, violations of rules and regulations in the residence halls will be processed by the Department of Residence Life. However, violations that occur in the residence halls that could result in suspension or expulsion will be adjudicated through the Office of the Vice President of Student Development.

IV. Interim Suspension

Students can be suspended from the University, on an interim basis, if they are deemed to be a clear and present danger to either themselves or the University community by the Vice President of Student Development or designee. In such cases, a hearing will be scheduled within five business days to determine whether the interim suspension should be lifted or remain pending final adjudication.

A student may be accountable to both civil authorities and the University for acts that violate the law and the Student Code of Conduct. Disciplinary action at the University will normally proceed during the pending criminal proceedings and will not be subject to challenge on the grounds that pending criminal charges involving the same incident have been postponed, dismissed, or reduced. The University reserves the right to reach its own determination on violations of this code unaffected by the outcome of any civil or criminal proceedings.

V. Due Process and Disciplinary Procedures

It has been recognized that due process in higher education disciplinary matters does not parallel the requirements of due process in a court of law. However, the University ensures that fundamental requirements of due process in all disciplinary matters will be implemented. These requirements are:

1. Written notification of charges and possible penalties within a reasonable time period.
2. The opportunity either to have a hearing on the charges or waive the right to a hearing and accept the penalties to be imposed.
3. Written notification of the time, place, and date of hearing at least three business days in advance.
4. The opportunity to present evidence and witnesses.
5. Written notification of findings and sanction or penalties imposed.
6. Written notification of an appeal process.

Charges may be brought by any member of the University community or by the University itself. When charges are brought against a student for violation of University policies, rules, or regulations, the following procedures will be in effect:

1. Charges must be in writing and submitted to the Office of the Vice President of Student Development . Charges related to incidents that occur in residence halls must be submitted to the Department of Residence Life.
2. Any charge should be filed as soon as possible after an incident takes place, preferably within one week's time.
3. When the allegations of a given case are deemed serious, and/or may have a significant impact on the overall campus community, the Office of the Vice President of Student Development reserves the right to convene the University Hearing Board to address the issue. Cases that are serious enough to warrant suspension or expulsion are required to be heard by the University Hearing Board .
4. Alleged violations that are not deemed serious enough to warrant suspension or expulsion may be handled by the Vice President of Student Development's designee.

Cases Addressed by a Designee of the Vice President of Student Development

1. Upon receipt of a charge or charges against a student, the alleged violator of the Code of Conduct will be sent a letter of notification. This letter will list the specific charge(s) against the student, as well as the date and time to attend a pre hearing investigation meeting. At the meeting, the student will be given an explanation of the disciplinary process and will be provided with all the evidence to be used against him/her at a hearing.
2. The student will be apprised of the date and time of the hearing.
- 3 The student will be notified of the right to bring witnesses to the hearing who may have direct knowledge of the alleged infraction.
4. The student will be informed that he/she has the right to waive the hearing. If the student chooses to exercise this right, he/she must do so in writing, notifying the hearing officer whether or not he/she is taking responsibility for the infraction. At that time, the hearing officer will conduct an investigation, render a decision, and impose a sanction if one is deemed appropriate. The student will receive, in writing, the outcome of the investigation and the matter is then considered closed.
5. Failure to attend the hearing without prior notification automatically waives the student's right to participate in the hearing process. The investigation will proceed without the input of the student.
6. Upon completion of a full investigation and after all hearings have been conducted, the student or students who have been charged will receive a letter to notify them of the outcome. This outcome is not subject to appeal.

Cases Addressed by the University Hearing Board

1. Upon receipt of serious charges to be brought before the University Hearing Board, the Vice President of Student Development or designee will direct, in writing, the student being charged to appear at a specified time and place to attend a pre hearing investigation meeting. The student will receive written, detailed charges of alleged violations of the Code of Conduct. The student will also receive a copy of the evidence that will be used against him/her in a hearing. The student will have the opportunity to give additional information that may be presented to the University Hearing Board for review during the hearing.
2. After the meeting, the student will be sent written notification of the following information:
 - a) the time and place of the hearing
 - b) specific charges against the student

- c) the right to have witnesses
 - d) the right to have an advisor
 - e) the right to present evidence
 - f) the names of others who will be present at the hearing (if known)
 - g) the name and title of the hearing officer
 - h) the name of the complainant
 - i) a description of the hearing process.
3. The hearing conducted by the University Hearing Board will be closed except to those directly involved in the case.
4. Both the complainant and the accused have the right to be assisted by an advisor of their choice. An advisor may assist the accused student in the preparation of his/her defense and an advisor may help provide support to a complainant. However, the advisor is neither permitted to question witnesses nor directly participate in the hearing.
5. An audio taped record of the hearing is made and kept by the Office of the Vice President of Student Development. All conversations of the University Hearing Board are confidential.
6. The University Hearing Board will consist of a non-voting Hearing officer and five (5) voting Board members.
7. The University Hearing Board process is printed under a separate cover and provided to all people involved in a hearing.

The University Hearing Board's Determination

The University Hearing Board's determination shall be based on the preponderance of evidence in the case. The question before the hearing board will be whether it is more likely than not that the accused student violated the Code of Conduct. The University Hearing Board will make the final determination of whether a student is held responsible or not responsible for violating the Code of Conduct. The Office of the Vice President of Student Development, acting on behalf of the University Hearing Board, shall inform the accused student of the final outcome of the hearing, the sanction(s) imposed by the University Hearing Board, and the appeal process. The Vice President of Student Development serves as the appellate arm of the University judicial process.

The Appeal Process

The appeal process can only be implemented in cases where the outcome has resulted in **Suspension** or **Expulsion**. The accused student has three (3) business days from the date he or she was informed of the University Hearing Board's decision to file a written appeal to the Vice President of Student Development. The grounds for appeal may only be for one or more of the following reasons:

- a) Severity of the sanction
 - b) Procedural error/violation of due process protections
 - c) New evidence that was not known to the University Hearing Board at the time of its deliberation.
- The Vice President will review the appeal exclusively on these grounds.

Modification of the Code of Conduct

The Code of Conduct may be amended from time to time. If a change is made, students will be notified through a variety of methods of communication. Copies of the revised code will be available in the Office of the Vice President of Student Development

VI. Sanctions

The following sanctions may be imposed for violations of the Code of Conduct. All result in written notifications being placed in the student's disciplinary file, either in the Office of the Vice President of Student Development or in the Office of Residence Life.

- 1. Official Warning** — The student receives notification from the Vice President of Student Development or designee, indicating that a violation of the Code of Conduct has occurred and warning that subsequent violation may be treated more seriously.
- 2. Campus Life Probation** – A defined period of time whereby any registered student is given an opportunity to modify his or her behavior or risk more severe sanctions. Any subsequent violation of the Code of Conduct, while on Campus Life Probation, will result in further disciplinary action.
- 3. Disciplinary Probation** — A student on disciplinary probation is no longer in good standing with the University. He or she cannot be a member of recognized student organizations, serve as a representative of the University, or participate in intramural, club, or intercollegiate sports for a period of time. [The minimum time is one semester.

The maximum time is three semesters.] Any violation of the Code of Conduct by the student during the time he/she is on disciplinary probation could result in suspension from the University.

4. Restitution — The student is required to make payment to the University or to other persons, groups, or organizations for damages incurred as a result of violations of the Code of Conduct. This sanction may be imposed separately or in conjunction with other sanctions.

5. Other Sanctions — Other sanctions may be imposed in addition to, or instead of the aforementioned sanctions. For example, students may have residence hall privileges limited or revoked. Work or research projects may be assigned or letters of apology may be required. Students may have community service projects or educational workshops assigned. [There is no refund of tuition and fees if withdrawal from courses and/or campus residence is affected because of violations of the Code of Conduct.]

6. Suspension — The student may not be a registered student, be present on campus, or attend University sponsored events for any reason while he or she is suspended from the University. The minimum length of a suspension is one semester.

7. Expulsion — The student may not ever again be a registered student, be present on campus, or attend University sponsored events.

Note: Violation of University policies or state or federal law while on campus may result in revocation of privileges concerning the use of campus facilities.