



CODE OF STUDENT CONDUCT



New Jersey Institute of Technology

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ARTICLE 1: PREAMBLE

1. The university seeks to create a community where rights and mutual responsibilities are both recognized and valued. The university promotes the intellectual and personal development of its student population within an environment of freedom of inquiry. In order to preserve this climate of academic freedom, students are expected and required to adhere to high standards of moral, ethical and professional behavior.

2. The university will regulate conduct which affects its interests as an academic community. All members of the community are obligated to observe and adhere to the civil and criminal laws of the local, state and federal authorities as well as to university regulations and policies.

3. This document refers to the procedures and regulations which comprise the Code of Student Conduct. Additional policies, judicial procedures and regulations which apply to students can be found in the Undergraduate/Graduate catalogues and publications about: **Fraternity and Sorority Life, Residence Life, Sexual Harassment**, and other published documents.

4. The guidelines set forth below are intended to ensure that all persons accused of violating the Code of Student Conduct adopted by the university are treated in a fair and just manner and are afforded an opportunity to have an alleged violation fairly adjudicated. The Code of Student Conduct describes both expected and prohibited types of behavior, procedures for adjudicating offenses committed by students and the sanctions which can be imposed for such violations.

5. The university reserves the right to modify, alter or repeal any of the procedures, rights or responsibilities set forth in this code at any time. Such changes will be posted in appropriate official university vehicles, which may include its website, newspaper, electronic or print publications and any other communication vehicles which may be officially used, prior to going into effect.

ARTICLE 2: DEFINITIONS

These definitions apply for the purposes of this Code of Student Conduct:

1. **Administrative Conference:** A meeting scheduled with a responding student and a Conduct Officer where the responding student has an opportunity to present information about an incident.
2. **Business day:** Any day except Saturday, Sunday and holidays when University administrative offices are open.
3. **Complainant:** Any individual or the University itself acting through one or more of its departments or personnel, who has brought forth a complaint resulting in a charge of violation(s) of university policy.
4. **Conduct Officer:** Any University staff member or administrator with responsibility for investigating and adjudicating student conduct cases.
5. **Faculty:** Any person having faculty, instructing staff, adjunct or lecturer status.
7. **Group:** Any group of students, which although not officially chartered by the university, has been granted certain privileges or accommodations by the university.
8. **Judicial body:** Any person or recognized group of persons authorized by the university to determine whether a student has violated the Code of Student Conduct or Academic Integrity Policy.
9. **Member of the university community:** Any student, faculty member, university official, guest, licensee, or staff member at the university.
10. **ODOS:** Refers to the Office of the Dean of Students.
11. **Organization:** Refers to a group of any number of students officially recognized by the University.
12. **Policy:** Any regulation of the university found or referenced in but not limited to the Code of Student Conduct, the Academic Integrity Policy, the Student Handbook, the Residence Life Guide, or the Undergraduate/Graduate Catalogues.
13. **Respondent:** Any student or organization accused of a violation of university policy, regulation or other officially approved rule.

14. **Student:** Any individual enrolled in one or more courses at the university, whether graduate, undergraduate, full-time, part-time, matriculated, non-matriculated, day, evening, online or maintaining registrations. Those students living in university residences who attend other post-secondary institutions are included within this definition.

15. **Student Conduct Hearing Board:** Refers to trained members of the NJIT community that are convened to determine findings of responsibility and assign sanctions.

16. **University:** Refers to New Jersey Institute of Technology.

17. **University official:** Any person authorized by the University to act in a representative capacity within the scope of their professional or administrative responsibilities.

18. **University premises:** Any building, land (including adjacent streets and sidewalks) or facility, fixtures or equipment owned, leased, operated, controlled or supervised by the University.

19. **University sponsored activity:** Any activity, on or off campus, which the university officially recognizes, participates in, or supervises.

ARTICLE 3: JUDICIAL AUTHORITY

Section 1. Final Authority

Final authority for the discipline of students rests with the Board of Trustees, who delegated that authority through the President, Vice President for Student Affairs, and the Faculty to the Office of the Dean of Students and judicial bodies, as listed in Section 3. This code, as adopted by the Board of Trustees, shall take precedence over any lesser code that pertains to students.

Section 2. Office of the Dean of Students

The Office of the Dean of Students (ODOS) will administer the disciplinary process as delegated by the President of NJIT.

Section 3. Judicial Bodies

1. Disciplinary hearings under this code may be held by any of the following judicial bodies:

- Residence Life Professional Staff
- Student Life Professional Staff
- Dean of Students Office Professional Staff
- Student Conduct Hearing Board

2. Decisions of a judicial body shall be final pending the appeal process described in this Code.

ARTICLE 4: STUDENT RIGHTS

Students that are alleged to have violated the Code of Student Conduct have the right to:

- A fair and impartial process.
- Privacy throughout the conduct process.
- Respond to reports of alleged violations and access information related to the report.
- Request to review information and documentation related to their conduct file.
- Have a Campus Advisor and/or support person accompany them to conduct related meetings or hearings with advanced notice to the Conduct Officer. The availability of a Campus Advisor or support person is not sufficient grounds for postponing meetings/hearings.
- Present witnesses providing they have information deemed to be relevant.
- Receive written notice of the case resolution including any opportunity to appeal or to request a Conduct Board Hearing.
- Request reasonable accommodations for participating in the conduct process.

ARTICLE 5: VIOLATIONS

Guiding Principles

1. The University will protect the safety and wellbeing of the campus community as well as University-related facilities and property. This right includes taking disciplinary action for offenses occurring off campus when, in the determination of the judicial body, they pose a substantial danger to, or adversely affect, the University community and/or the pursuit of its objectives.
2. The university will charge and if found to be responsible, apply sanctions against any student organization or group when prohibited conduct is engaged in or related to the activities and/or interests of that organization/group, or such conduct is engaged in by a collection of individuals of the organization/group. For any violation of this Code, action may be taken against individuals, student organizations, groups or any such combination.
3. Being under the influence of drugs and/or alcohol does not diminish or excuse a violation of the Code, and in fact, may elevate the offense(s) and result in more severe sanctions.
4. Students must familiarize their guests with the Student Code of Conduct. Students shall be responsible for the actions or behavior of their guests.
5. If a violation of university guiding principles, guidelines, rules and/or regulations, published in this or other university document or public statement, occurs which is also a violation of law, the university may take disciplinary action against student offenders in addition to what may be filed by law enforcement agencies with their respective jurisdictions. Such action is independent of and may proceed before, during or following civil or criminal action. Such actions are not subject to challenge on the basis that civil or criminal charges involving the same incident have been reduced or dismissed. The university may adjudicate violation subject to a civil or criminal proceeding taking place off-campus if such violations have or if they foreseeably may have an adverse effect on the university community and its objectives.
6. Any student who withdraws from, or fails to return to, the university while disciplinary action is pending against them will be ineligible for readmission unless the charges are dismissed or resolved. The university reserves the right to restrict those individuals from the campus while they have unresolved disciplinary charges pending.

7. Attempts to engage in acts or behaviors prohibited by this Code, or assist others to violate this Code, shall be treated as though the behaviors were completed, and may result in the same sanctions being applied as if the acts or behaviors were completed.

Section 1. Respect For The Campus Community

1. Harassment, Intimidation & Bullying

No student shall engage in conduct, whether physical, verbal, written or in electronic form that is so severe, pervasive or persistent as to substantially disrupt or interfere with the orderly operation of the institution or the rights of a student to participate in or benefit from the educational program. This includes but is not limited to:

- a. Threats to another's safety, rights of personal privacy or property.
- b. Creating a hostile environment that interferes with another's education or participation in the NJIT campus community.
- c. Engaging in conduct which a reasonable person should know, under the circumstances, will have the effect of insulting or demeaning any person or group or causing alarm.

2. Defamation

No student shall intentionally create a false statement with malicious intent about another community member and communicate that false statement to a third party, which then exposes that community member to hatred, contempt, ridicule, loss of good will, or loss of reputation as a result of the false statement.

3. Act of Bias

No student shall commit an act against another person that is motivated by bias or prejudice, and in violation of federal or state laws, and/or university policy. A bias act occurs when a student subjects another to discrimination, harassment, abuse, bullying, stereotyping, marginalization, or any other form of mistreatment because they identify or are associated with a particular group. Bias acts can be verbal, written, physical, or psychological behaviors committed on the basis of actual or perceived race, religion, color, sex, age, sexual orientation, gender identity or expression, national origin, ancestry, disability, marital status, civil union or, domestic partnership status, atypical heredity, cellular blood trait, or veteran status.

4. Respect for Property

No student shall engage in any form of larceny, robbery, shoplifting, or stealing involving university, personal, or public property. No student shall attempt any form of theft or be in possession of stolen property.

Respect for Property includes but is not limited to:

- a. Destroying, damaging, vandalizing, defacing, misusing, trespassing upon or forcibly entering or proceeding into unauthorized areas of University owned or leased buildings, facilities, rooftops or misappropriation of property.
- b. Unauthorized or inappropriate use of University property or property belonging to others.
- c. Defrauding, embezzling, or using false pretenses to procure property or service.

5. Hazing

No student shall take action, or create, or participate in any situation that recklessly endangers another person's psychological, mental, or physical health for the purpose of initiation to and/or affiliation with any organization, group, team, club, or cohort. Examples of hazing include but are not limited to forced consumption of alcohol, drugs, food, liquids, or undesirable substance; branding; paddling; beating; sexual rituals; and forced participation in criminal activity or activity that violates the code. **Additional information about NJIT hazing policies can be found online.**

6. Disruptive Conduct

No student shall engage in any conduct that disrupts, interferes, or obstructs any educational process or other legitimate social, research, recreational, or administrative activities and functions of the university.

Examples of disruptive conduct include but are not limited to:

- a. Interfering with an instructor's ability to conduct the class or the ability for other students to learn.
- b. Participation in any activity or behavior which disrupts the normal operations of the university.
- c. Leading or inciting others to disrupt activities in any building or area.
- d. Intentional obstruction which unreasonably interferes with the freedom of movement on or off campus.
- e. Engaging in conduct that is disruptive or obscene, regardless of intent.

7. Failure to Comply with Official Directives

No student shall fail to comply with any written or verbal directives of university officials acting in the performance of their duties.

This includes but is not limited to:

- a. Failure to identify oneself or provide proper identification when requested.
- b. Lying with the intent to deceive or misrepresent oneself with University documents.
- c. Failure or refusal to respond to a reasonable directive or report to an administrative office.
- d. Fleeing or attempting to flee when approached by a staff member.

8. Misuse of Documents

No student shall intentionally furnish false information nor shall a student forge, alter, destruct, or misuse any university documents or data.

This includes but is not limited to:

- a. Altering or misrepresenting student records, identification, timesheets, and/ or academic forms and/or files.
- b. Conveying false information/documents for the purpose of defrauding or cheating.
- c. Conveying information/documents known to be false.

9. Unauthorized Posting

Upon receiving University authorization, members of the campus community may advertise on-campus events on designated bulletin boards and posting areas only. Notices may not be placed on automobiles, windows, doors, wood, brick, glass, painted surfaces, etc. The event sponsors must remove advertising materials 48 hours after the event concludes.

10. Unauthorized Recreational Activities

Participating in recreational activities inside University facilities is not permitted unless it is part of a University authorized event or initiative. Examples of unauthorized indoor recreational activities include but are not limited to: hockey, skating, roller-blading, skateboarding, football, baseball, frisbee, tennis, bowling, and soccer.

Additional restrictions regarding unauthorized item use include:

- a. Bicycles, scooters, skateboards, roller-skates, roller-blades, or other recreational transportation devices are not permitted to be used within the interior of any University building. Use of these devices is restricted to outdoor areas and must be performed in a manner that does not (i) cause damage to the ground or building structures, and/or (ii) interfere with the normal activities of the University and the University Community. Additionally, bicycles and rental scooters are not permitted to be stored within the interior of any University building. Bicycles must be parked in bike racks available near all facilities.
- b. Hoverboards (hands-free Segway) or other recreational transportation devices containing lithium-ion battery packs are prohibited anywhere on campus.
- c. The use of water guns or water balloons is restricted to outdoor areas only and must not impose on the normal activities of the University and the University Community.

11. Commercial Activities and Solicitation

Solicitation for donations, business advertising, or selling items without authorization from a University Official is prohibited. The unauthorized operation of any commercial enterprise on campus or in any University facility is prohibited.

12. Banned Organizations

The university has established policies and procedures to ensure the safety of its students and limit disruption to the educational and research mission of the university, including those related to recognizing organizations. The university expects its students to adhere to these policies and procedures. Accordingly, no student shall join, affiliate or accept membership with any banned organization.

Section 2. Safety and Security

1. Weapons

No student shall possess or introduce to the campus any dangerous weapons including, but not limited to: firearms, explosives, knives (other than small pocket-type or table knife,) compressed air gun, BB guns, paint ball rifles or pistols; martial arts weapons, ammunition, dangerous chemicals, bows, arrows, items used as weapons in threats or actual acts of violence, or other potentially harmful objects. Replicas and facsimiles of weapons are considered weapons and are also prohibited.

2. Interference

No student shall interfere with the public and/or personal safety of others through negligent or intentionally improper acts including but not limited to propping open doors which are normally locked; intentionally damaging door locks or safety mechanisms; exiting or entering buildings through windows or unauthorized entrances.

3. Physical Misconduct

No student shall use unwelcome force or inflict bodily harm on any person, group or animal.

4. Threat to Safety

No student shall engage in any activity or behavior that creates a threat or a perceived threat to the safety and well-being of themselves, the University, or others.

5. Identification Cards

All students are required to carry and present valid University identification when requested to do so by a University Official. No student shall alter or forge any identification card or other document presented to show proof of age.

6. Guest Responsibility

When a student has a guest or guests on campus, the student assumes responsibility for the conduct of that guest or guests. All campus guests must carry a valid photo ID at all times and present that ID when requested by a University Official. **Additional information regarding policies in the residence halls that students are required to follow can be found online.**

7. Unauthorized Access

Unauthorized entry into University facilities or property without explicit consent is prohibited. No student shall possess, without explicit authorization by the appropriate University entity, any keys or codes to any University facility or premises. No student shall provide unauthorized access to anyone without explicit authorization by the appropriate University entity. Restrooms with gender designations are for the use of people with that gender identity.

8. Restricted Areas

No student shall enter into or upon any restricted or secured area of the campus or any University facility without explicit consent and authorization from a University Official. Restricted areas include but are not limited to roofs, utility rooms, construction sites and emergency areas not designated for that purpose.

9. Dangerous Conditions

No student shall engage in any activity or create a condition that endangers or threatens the health, safety, or well-being of themselves or others.

10. Aiding and/or Inciting in Prohibited Conduct

No student shall aid, help, or otherwise assist another in violating any rule applicable to the Code of Student Conduct. No student shall encourage others to commit any acts prohibited in the Code of Student Conduct.

Section 3. Alcohol/Drugs/Gambling/Smoking

1. Alcohol

The University prohibits the possession and consumption of alcoholic beverages for those under the age of 21. The sale, giving, serving, manufacturing, and dispensing of alcoholic beverages to those under the age of 21 is prohibited.

Unauthorized consumption of alcohol, public consumption, public intoxication, or the possession of an open container of alcohol, regardless of whether the individual is over 21, is prohibited.

Additional information related to alcohol policies can be found online.

a. Excessive Consumption:

To discourage excessive consumption of alcoholic beverages, bulk containers of alcoholic beverages and items that encourage the excessive consumption of alcohol are prohibited on campus, in all facilities and

residence halls, and for student organization events.

This includes but is not limited to kegs, funnels, beer balls, draft containers of wine, beer pong tables, beer helmets, alcohol related games, etc.

b. Underage Possession/Consumption:

Students under 21 years of age may not possess or consume alcoholic beverages.

c. Manufacturing/Dispensing:

The sale, giving, serving, manufacturing and dispensing of alcoholic beverages to those under the age of 21 is prohibited.

d. Empty Containers:

Students under the age of 21 are prohibited from possessing any containers that once contained alcohol. Art or decorative projects/items using containers that previously contained alcohol is prohibited. Empty containers include but are not limited to beer bottles, liquor bottles, wine bottles, flasks, etc.

e. Public Consumption/Intoxication:

Students, no matter their age, are not permitted to consume alcohol or be intoxicated in public or common areas. This includes but is not limited to stumbling, being unconscious, vomiting and/or slurring words.

2. Drugs

The University prohibits the use, possession, manufacture, distribution, or dispensing of any controlled substance as defined by New Jersey State or Federal law. No student shall possess substances defined as controlled, other than personally prescribed medications. No student shall abuse or improperly use over the counter drugs/substances. The use or possession of prescription drugs prescribed to another person is prohibited.

Additional information related to marijuana guidelines can be found online.

a. In The Presence of Illegal Drugs:

Knowingly remaining in the presence of drugs, drug use, and/or drug paraphernalia on campus or in any University facility is prohibited.

b. Drug Paraphernalia:

Possession of drug paraphernalia on campus, in any residence hall, or in any University facility is prohibited regardless of whether it has been used or not. This includes but is not limited to bongos, bowls, pipes, grinders, hookahs, vaporizers, roach clips, etc.

c. Manufacture/Distribution:

Manufacturing, selling, transferring, giving away or exchanging something in return for substances defined by New Jersey or Federal law as illegal is prohibited.

d. Use/Possession:

Use or possession of substances defined by New Jersey or Federal law as illegal is prohibited as is possession of substances other than personally prescribed medications. Students are not permitted to abuse or improperly use prescribed or over the counter substances.

The NJIT Amnesty Policy is designed to support students to obtain professional medical treatment for themselves or others when dangerously intoxicated or impaired without the threat of disciplinary action in certain circumstances.

Additional information regarding the Medical Amnesty policy can be found online.

3. Gambling

No student shall gamble for money or other valuables on University property or in any University facility without the expressed authorization of the University.

4. Smoking

Smoking is prohibited inside all University owned buildings. Smoking is prohibited within 25 feet of any entrance/exit/window of any University owned building. This includes cigarettes, cigars, hookahs, electronic cigarettes, vaporizers, and any other smoking device/equipment.

Section 4. Health and Safety

1. Fire Safety

No student shall cause or create a fire; attempt to set a fire; set off a fire alarm; initiate a false report; unnecessarily discharge fire extinguishers; damage, tamper with, dismantle, or disconnect any fire safety system or equipment. No student shall act in a manner that disregards fire safety rules. Students must evacuate any University facility when the fire alarm is activated.

2. Arson

No student shall set fires, attempt to set fires, or act in a manner that disregards fire safety rules and results in a fire.

3. Prohibited Items

Any item or device that constitutes a threat to fire safety on campus is prohibited. This includes but is not limited to: fireworks, flammable liquids, portable stoves, grills and/or barbecues, hover boards, torches, etc. **Additional information regarding prohibited items in the residence halls can be found online.**

4. Cooking and Appliances

Cooking may only occur in University designated kitchens. Food that is cooking should not be left unattended for any reason and should be checked regularly. The following appliances are prohibited in University facilities: toaster ovens, slotted toasters, hot plates, indoor grills, sandwich makers, rice cookers, rotisserie ovens.

5. Pets/Animals

No pets are permitted in University buildings except service dogs, other service animals in training, and pre-approved emotional support animals. On-campus residents may only have fish in a tank of no more than 10 gallons. **Additional information regarding requesting accommodations can be found online.**

Section 5. Abuse & Misuse of the Conduct Process

1. False Information

No student may falsify, distort, or misrepresent information before a judicial body, a Conduct Officer, or in the course of a student conduct investigation. No student shall initiate a conduct proceeding knowingly without cause. No student shall provide false information to University officials who are acting in the performance of their duties.

2. Disruption of the Conduct Process

Disrupting or interfering with the orderly procedure of a conduct investigation or hearing is prohibited. No student shall harass, attempt to harass (verbally or physically) or intimidate any member of the judicial body prior to, during, or after any conduct proceeding. All correspondence should be directed to ODOS and not members of the Conduct Board or Chair.

3. Retaliation

No member of the University community shall retaliate, intimidate, threaten, coerce, or otherwise discriminate against a person who files a complaint, serves as a witness, or otherwise assists or participates in any conduct proceeding.

4. Failure to Comply with Sanctions

Failure to comply with or obstructing the implementation of sanctions issued by a judicial body is prohibited and can result in further conduct action. This includes but is not limited to violating the terms of probation, suspension or restriction(s), not completing any portion of an assigned sanction by the deadline and failure to fully satisfy all components of a signed Informal/Alternative Resolution agreement in the designated timeframe. In addition, no one shall aid, abet, or assist anyone in failing to comply with official sanctions. Failure to complete sanctions may also result in a hold on all University records and registration until the sanction is completed.

Section 6. Responsible Use of Information Systems and Technology

1. Violations of the Acceptable Use Policy

All students are required to observe the NJIT Acceptable Use Policy for Cyber Resources. Failure to comply with this policy is considered a violation of the Code of Student Conduct. **Additional information regarding that policy can be found online.**

Section 7. Sexual Misconduct and Title IX Reporting

1. Sexual Misconduct

NJIT does not discriminate on the basis of sex or gender in its educational programs and activities and does not tolerate discrimination or harassment on the basis of sex or gender. Pursuant to Title IX of the Education Amendments of 1972 (Title IX) and its implementing regulations, the university has promulgated a Title IX Sexual Harassment Policy (Interim), which adjudicates sexual misconduct when it occurs at 1) locations, events, or circumstances over which the university exercises substantial control over both the respondent and the context in which the conduct occurs; and 2) any building owned or controlled by a student organization that is officially recognized by the university. The Title IX Sexual Harassment Policy (Interim) adjudicates sexual misconduct that is determined to be sexual harassment, sexual assault, domestic violence, dating violence and stalking as defined within Title IX. As stated in the Title IX Sexual Harassment Policy(Interim), the university will address instances of sexual misconduct that falls outside the scope of Title IX through this Code of Student Conduct.

The university expects and requires the behavior of its students to comply with its high standards of scholarship and conduct. Accordingly, sexual misconduct that falls outside the scope of Title IX is prohibited conduct and will be adjudicated under this Code. *Sexual misconduct that falls outside the scope of Title IX but will be adjudicated hereunder includes, but is not limited to, conduct that:*

- Sexual assault, domestic violence, dating violence and stalking that occurs outside the United States but still within a NJIT education program or activity;
- Sexual assault, domestic violence, dating violence and stalking that occurs outside of a NJIT education program or activity but have continuing effects in the education program or activity;
- Is of a sexual nature and is so severe, pervasive or objectively offensive that it effectively denies a person of equal access to the NJIT's education programs or activities consistent with other laws such as Title VII of the Civil Rights Act of 1964 and the New Jersey Law Against Discrimination;
- Constitutes "sexual exploitation," where an individual abuses or takes advantage of the sexuality of another individual without such person's consent (e.g. invading privacy; capturing and/or distributing by any means images, audio or visual recordings of a sexual or intimate nature; exposing one's genitals; knowingly transmitting a sexually transmitted infection; sexually based stalking or bullying); or
- Constitutes "stealthing," where an individual intentionally removes, damages or lies about the use of a condom when consent was given for protected sexual activity only.

As used in this Section, the terms “sexual assault,” “domestic violence,” “dating violence” and “stalking” will have the same definition as found in the Title IX Sexual Harassment Policy (Interim) because the Title IX regulations defined these terms by reference to the Clery Act as amended by VAWA, both of which NJIT must comply with. The definition of “sexual assault” in the Title IX Sexual Harassment Policy (Interim) incorporates the defined terms, “consent” and “incapacitation.” Accordingly, when adjudicating claims of sexual misconduct under the Code of Student Conduct, the definitions of “consent” and “incapacitation” found in the Title IX Sexual Harassment policy will also be used.

Allegations of sexual misconduct will follow the grievance procedures set forth in NJIT’s Title IX Sexual Harassment Policy (interim) with the exception of the live hearing requirement under Section IX. D5 a, b, and e. Upon completion of an investigation of a Formal Complaint, the Title IX Coordinator shall assign a trained Hearing Officer to review the investigation report and all directly related evidence to make a determination of responsibility and sanction(s).

[View NJIT's Title IX Sexual Harassment Policy \(Interim\) online.](#)

ARTICLE 6: CONDUCT PROCESS

Section 1. Complaint or Referral

Any individual may report a student suspected of violating this Code to the Office of the Dean of Students (ODOS). If another office receives a report of suspected violation, the matter must be forwarded directly to the ODOS. If the alleged conduct is criminal in nature and is appropriately reported to Public Safety, or other applicable law enforcement agency, the ODOS shall be notified.

Any NJIT employee with knowledge of an alleged incident involving a student must notify the ODOS with the information, regardless of whether a report was made to law enforcement, a supervisor, and or department chair. A University Official may act as a complainant on behalf of the University and/or third parties. A complaint should be submitted as soon as possible after the offense, preferably within ten business days. However, there is no time limitation regarding the filing and subsequent commencement of proceedings hereunder.

Allegations of sexual misconduct as described in Article 5 Section 7 will follow the grievance procedures as further defined in that section.

Section 2. Processes for Resolution

1. Preparing for the Conduct Process

Once a report is received, responding students are scheduled for a meeting with a Conduct Officer. To prepare for your meeting it is important that you review the guidelines which are outlined in Article 5. Meeting with the Conduct Officer is your opportunity to respond to the allegations. Should you choose not to attend, your case will be heard in your absence and you will be informed of the outcome. Furthermore, if you choose not to attend, you will not have the opportunity to provide information for the purposes of filing an appeal unless there are extenuating circumstances that are approved by the ODOS. If you wish to attend the meeting and require any accommodations, please contact the ODOS as soon as possible.

2. Investigation

When an incident is reported to the ODOS, an investigation is undertaken to determine whether further action is necessary. A Conduct Officer will be assigned to serve as the investigator, when practical and possible. Interviews are held with the person reporting the incident (complainant), the person accused of the violation (respondent) and appropriately identified witnesses to the incident, as the Conduct Officer deems relevant. Written statements may be requested by the Conduct Officer. As part of the investigation process, cases can initially be resolved through a Conference Waiver or Administrative Conference.

3. Conference Waiver

In certain instances, the respondent has the option to waive their right to an Administrative Conference in circumstances where they do not dispute the facts of the case giving rise to the charge(s) and admit responsibility for their actions provided that the respondent is notified of their right to a meeting. To waive, the respondent must complete and submit a conference waiver form accepting responsibility for their actions. Students that submit a waiver will have the opportunity to appeal the sanction determination only.

4. Administrative Conference

Once a report of an alleged violation is received, an administrative conference is typically scheduled with a Conduct Officer to provide the responding students with an opportunity to present information about the incident. The respondent may choose to have a Campus Advisor or support person present for the meeting. In certain cases of academic integrity/misconduct, the instructor that submitted the report will be invited to participate in the conference. After the conference and at the conclusion of the investigation, the Conduct Officer will determine findings of responsibility, assign sanction(s) and notify the respondent in writing of the outcome.

5. Student Conduct Board Hearing

In cases where a separable level sanction, which includes sanctions categorized as severe such as but not limited to suspension or expulsion, have been issued by the Conduct Officer as the result of an Administrative Conference, responding students have the right to have their case heard by a Student Conduct Board. The respondent is advised by the ODOS of the charges, procedures to be followed and the date, time and location of the hearing. The written summary (ies) of oral evidence, copies of all written evidence, witness lists and other supporting evidence are provided to both parties prior to the hearing.

Section 3. Student Conduct Hearing Board

1. Hearing Board Composition:

- A hearing board consists of three to five voting members selected from a pool of trained members of the NJIT community. Regardless of the number of voting panel members, at least one of the student panel members should (if feasible) be a graduate student if the respondent is a graduate student and at least one of the student panel members should (if feasible) be an undergraduate student if the respondent is an undergraduate student.
- In addition to the voting board members, a Chair shall be selected. The Chair shall either be a faculty member or University Official. The Chair shall only have a vote if, due to extenuating circumstances, the board has an even number of members and a “tie” is reached.
- No voting member of the hearing board may abstain. Decisions are based upon majority vote.
- An independent authority with an expertise in the area of the alleged violation may be asked to interpret the details of the case (e.g. faculty member from the School of Architecture may interpret drawings and provide appropriate advice).
- All students, faculty members and University Officials may volunteer to serve on the Student Conduct Hearing Board for renewable one-year terms provided that they meet all the requirements for appointed members of the Board. These members may be appointed by the ODOS or nominated by organizations including but not limited to Student Senate and the Graduate Student Association.
- All new members of the pool for the Student Conduct Hearing Board shall participate in training conducted by the ODOS typically held at the beginning of the academic year of appointment.

- If a complainant or respondent believes that an assigned hearing chair/hearing board member may have a conflict of interest or bias that could result in their inability to provide a fair determination regarding responsibility and/or sanctions to the respondent, the complainant or respondent should notify the ODOS , in writing, of this concern, including an explanation or reason for the claim of conflict of interest or inappropriate bias. If the ODOS determines that there is a substantial and legitimate basis for an actual conflict of interest and/or inappropriate bias exists, a new hearing Chair/hearing board member will be assigned.

2. Hearing Procedures:

- In order to maintain confidentiality, hearings are conducted in private. Admission of any individual to the hearing shall be at the discretion of the Chair and the ODOS or as required by law.
- The complainant and/or the respondent may have a Campus Advisor, of their choosing, present at the hearing. The Campus Advisor shall not participate directly in the proceedings, but may be consulted by the complainant or respondent in a private manner that does not disturb the hearing.
- The ODOS distributes the submitted evidence to the members of the hearing board and discusses the procedure to be followed. Time is provided for the members to read the statements.
- The Chair calls the complainant(s) and the respondent(s) into the hearing room. Both parties will have the opportunity to challenge a board member if they feel the board member cannot objectively hear the case. The Chair will (in consultation with the ODOS) have the final determination as to whether the board member is dismissed.
- The Chair reads the charge(s) and specification(s), asks if there are any questions regarding procedure, and how the respondent pleads to each of the charge(s) and specification(s). Final decision(s) of procedural matters during the hearing shall be made by the Chair.
- Opening statements are given by the complainant and the respondent. These statements are general in nature and may describe the case details. During this time, parties have the opportunity to offer any supporting evidence followed by questions by either the board members, Chair, complainant/respondent.
- The Conduct Officer may be called in to give a summary of their investigation. The complainant/respondent, the board/Chair will have the opportunity to question the Conduct Officer.

- Witness(es) may be called to testify as appropriate with advance notice to the ODOS. Witness(es) appear individually and do not remain for the testimony of others. Witness(es) must have observed the alleged incident or provide direct, relevant information as determined by the ODOS.
- After providing testimony, witness(es) are subject to be questioned by the complainant/respondent, board members, and the Chair. After questioning, witness(es) are dismissed from the hearing.
- Closing statements are given by the respondent, complainant, and the Conduct Officer (if needed). The members of the hearing board may ask further questions, if necessary.
- The information-gathering session is concluded. All non-hearing board members are excused from the room. The Conduct Officer if available or a representative from the ODOS is present to answer any procedural questions.
- Members of the hearing board deliberate deciding whether the charge(s) and specification(s) are supported, solely by the evidence presented in the hearing. Each charge and specification is considered separately. The determination is based on the preponderance of evidence standard. If the respondent is found responsible, the board is made aware of any past conduct record of the respondent as it may be relevant to determining appropriate sanctions. The board has the ability to impose sanctions that are the same, lesser or greater than those imposed by the Conduct Officer.
- The ODOS sends a letter within 3 business days after the conclusion of the board deliberation to the respondent indicating a summary of the findings and the conclusions, including any sanction(s). A copy of the letter and appropriate written material used in the hearing shall be placed in the respondents conduct file located in the ODOS. **The decision of the board is final.**

ARTICLE 7: INTERIM MEASURES

In certain circumstances where there is a threat to the safety and welfare of an individual or the community, interim measures are put in place pending the outcome of a student conduct process. Interim measures may include the following:

1. Interim Suspension

When a student is determined by the ODOS to pose a likely threat to themselves, to other persons, to university property, or to the normal operations of the university, interim suspension from the university may be temporarily imposed. The interim

suspension may be made immediately and without prior notice upon recommendation of the ODOS. During interim suspension, students lose regular student privileges, such as the right to be present in campus residences, be on University premises or engage in any university activities or privileges as determined to be appropriate by the ODOS. The interim suspension shall be in effect until the case is heard by the appropriate judicial body. If the student is incarcerated or the incident is pending criminal charges, the conduct process may be postponed as determined by the ODOS. Students placed on interim suspension have the right to appeal the interim action in writing within 3 working days of the date of notification to the Vice President of Student Affairs or their designee.

2. Interim Suspension of a Student Organization

At any time when it appears that a student organization has violated university policies and procedures, the Student Life staff may issue an interim suspension letter until a determination to proceed is made. The proceeding may result in an investigation and/or hearing in accordance with the procedures outlined herein. The organization may also be referred back to the Offices of Student Life and/or Fraternity and Sorority Life for further consideration and action.

3. Interim Housing Suspension

If it is determined by the ODOS or the Residence Life Office that a student's continued presence causes immediate concern to the safety of the residential community, that student may be immediately removed from housing pending the outcome of a student conduct process.

4. No Contact Directive

This directs specified parties to have no communication of any kind including in person, in writing, by phone, social media, through third parties (such as family or friends), and/or via computer or electronic communication devices.

5. Other measures/remedies

Any other measure that may be instituted by the University to ensure the safety and well-being of the campus community. This may include restrictions regarding technology, interim academic measures, and the use of dispute resolution methods such as mediation or restorative practices.

ARTICLE 8: SANCTIONS AND RECORDS

Section 1. Sanctions for Individuals

Any combination of one or more of the following sanctions or educational outcomes may be imposed upon any student who has been found responsible or accepts responsibility for a violation of the Code of Student Conduct:

1. Academic Sanctions:

Violations of the Academic Integrity Policy may result in sanctions stated herein and/or academic sanctions as specified in the Academic Integrity Policy.

2. Reprimand:

A written reprimand formally indicates to a student or organization that they have violated university regulations and their behavior is unacceptable within the community. Any continuation or repetition of prohibited conduct will result in more severe sanctions.

3. Disciplinary Probation:

Probation is written notice to a student or organization which has violated university regulations that their status as a student or organization in good standing has been removed and that they are subject to further sanctions including suspension and/or expulsion upon continuation or repetition of prohibited conduct. Disciplinary probation is imposed for a specified time period for observing and evaluating the student/organization's conduct. Any violation of the terms of probation shall be charged as a separate offense, subject to the hearing procedures set forth in this Code, with sanctions to include extension of probation, loss of privileges, suspension or expulsion.

4. Loss of Privileges:

A student or organization may be excluded from participation in co-curricular activities including, but not limited to, eligibility to receive non-academic or non-financial awards/honors, representing the university in an official capacity, or engaging in intramural or intercollegiate athletics. This may also include temporary or permanent loss of parking privileges or loss of access to University computing resources. Any restrictions imposed shall be designated as to length, character, and restoration of privileges.

5. Restitution:

Compensation to the University for any damage to University facilities or property.

6. Fines:

Monetary payment which may be used to fund educational programs related to the violation.

7. Restorative Sanctions:

These include projects or assignments designed to mitigate the harm done to the affected parties and restore the University community. Restorative sanctions may include (but are not limited to) service hours and letters of apology.

8. Educational Sanctions:

These include projects, workshops or assignments designed to educate a student or organization about the nature of the violation(s) committed, consequences of their actions and strategies for avoiding further violations in the future.

9. Suspension:

Exclusion from enrollment, University premises, and/or other privileges or activities for a specified time period, after which the student is eligible for reinstatement. Suspension may be imposed during an academic term of enrollment and may continue for one or more additional terms as specified. Conditions for reinstatement may be specified. Notice of this shall appear on the student's transcript for the period the suspension remains in effect.

10. Expulsion:

Permanent exclusion from enrollment, University premises, and other privileges or activities. The student shall not be eligible for readmission at any future time. Notice of this action shall appear permanently on the student's transcript.

Section 2. Additional Sanctions Pertaining to Residential Students

In addition to sanctions listed above, the following list of sanctions may be applied to residential students:

1. Reassignment:

A student may be reassigned to a new space on campus at the discretion of a University Official. The student will be given a specified time period to move to that new assignment or be subject to suspension from the residence halls and further conduct action.

2. Suspension from Housing:

A student may be required to move out of the residence halls for a pre-determined amount of time. Conditions for reinstatement to housing may be specified at the discretion of the University. While on suspension from the residence halls, the student may not enter any residential facility without the express authorization of the ODOS or the Residence Life Office. Any student who violates the terms of the suspension can be subject to expulsion from the residence halls and face additional conduct action. Students removed from the residence hall due to a conduct violation are not subject to refund of housing related fees.

3. Expulsion from Housing:

A student may be required to move out of the residence halls permanently. Any student expelled from housing is prohibited from entering all residential facilities. Any student who violates the terms of expulsion can be subject to suspension from the University and additional judicial action.

Section 3. Sanctions for Organizations/Group

Any combination of the sanctions listed above or the following sanctions or educational outcomes may be imposed upon any student organization which has been found responsible for violations of the Code of Student Conduct:

1. Loss of Privileges:

A loss of the ability to participate in one or more activities and or processes, a loss of funding opportunities, a loss of recognized student organization status, and/or other discretionary sanctions approved through the ODOS.

2. Suspension of Official University Recognition:

Loss of all privileges provided to organizations, including but not limited to funding, participation in campus activities, use of campus facilities, solicitation/selection of new members. Suspension shall be imposed for a specified time period.

3. Permanent Revocation:

Withdrawal of Official University recognition, loss of all privileges provided organizations, and permanent loss of opportunity to exist as a campus organization.

Section 4. Student Disciplinary Records

A record of violation(s), hard copy or electronic copy, is kept in the student's file in the ODOS. The ODOS shall maintain the official disciplinary records and a disciplinary tracking system, which shall include, but not be limited to, the student's name and related identifying information.

In cases not involving suspension or expulsion, all disciplinary records in the student's file shall be removed after seven years of continuous non-enrollment at the University.

Expungement of Student Conduct Records:

The New Jersey Institute of Technology (NJIT) is required by law to retain a student's record for statistical purposes. The student conduct records may be destroyed seven years after the final decision is delivered to a student. These records may only be destroyed after a full review and directive by the Vice President of Student Affairs or their designee. A student may submit a request to the Vice President of Student Affairs or their designee to have their records expunged. Expungement in this context refers to the removal of the conduct record before the seven year period. Other reports associated with the student are maintained accordingly. Expungement requests can be made via an [online request form](#).

Students may apply to have their disciplinary record expunged if the following criteria have been met:

1. An undergraduate student has completed at least 91 credit hours. Graduate student petitions will be considered on a case-by-case basis if the remaining stipulations have been met.
2. It has been at least one (1) year since the completion of the date of the last sanction issued.
3. The sanctions issued did not include suspension or expulsion.

Any student submitting an expungement request should provide a thorough explanation of the reasons they believe an expungement is warranted. Once received, the Vice President for Student Affairs or their designee will review the request and provide a written response.

Factors that will be considered in the review of the request shall include:

- The nature of the violation(s)
- The number of violations
- Whether the Student completed sanctions by the deadline imposed
- The Student's behavior after the violation(s)
- The Student's reason(s) for requesting the expungement
- How the Student believes that they have contributed to the NJIT community
- Any other factors believed to be reasonable and appropriate

It is important to note to any student who may have had their records expunged, that a need to disclose that information to any third party regarding their past disciplinary history may be required as part of their intake or application process.

The Vice President for Student Affairs or designee has the sole authority to grant or deny any request for the expungement of a student's records. No appeals are permitted.

ARTICLE 9: ADMINISTRATIVE APPEALS

Section 1. Grounds for Appeal

A respondent found responsible by a Conduct Officer during an Administrative Conference for an offense not eligible to be heard via a Student Conduct Board Hearing may request an administrative appeal.

Such an appeal shall be based upon any of the following grounds:

1. A procedural error so significant that it deprived the student of a fair disciplinary process.
2. To consider new information sufficient to alter a decision or other relevant facts not brought out in the original hearing only if such information or facts were not known to the person appealing at the time of the hearing.
3. The decision reached regarding the respondent lacked substantive information, that is, whether there were facts sufficient to establish that a violation occurred.
4. The sanction(s) imposed is/are substantially disproportionate to the violation.

The ODOS will review the appeal to determine if it meets the criteria.

Section 2. Appeal Procedure

If the respondent chooses not to accept the decision, and requests an Appeal, the written request must be made to the ODOS within five business days of the date of the outcome letter. The Appeals Officer will review the appeal to determine if it meets criteria. The Appeals Officer shall review the written record of the case and the information submitted as part of the appeal request form. A new investigation shall not be conducted by the Appeals Officer.

Section 3. Appeal Decisions

The Appeals Officer may:

1. Affirm the finding and sanction(s) imposed;
2. Affirm the finding and alter the sanction;
3. Overturn the finding and sanction imposed.

All decisions of the Appeals Officer are final, and not subject to further appeal.

ARTICLE 10: REVISIONS TO THE CODE

Individuals affiliated with the university conduct system may submit in writing any concerns or suggested modifications to the Vice President of Student Affairs for consideration. Upon review and consultation with the university legal counsel or any other pertinent individual, the Vice President of Student Affairs will consider the proposal and the recommendation. If the change proposed is editorial in nature or of a minor nature, the Vice President of Student Affairs can approve or disapprove the change. If the change proposed is substantial, the Vice President of Student Affairs will provide a recommendation to the President of the University. The President, after reviewing the proposed modification, shall determine whether to approve the modification and, if so, present it to the Board of Trustees for approval.