

# Code of Conduct

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# **I. PREFACE**

## **A. Rationale**

The members of the Montclair State University community recognize that the development of responsible student behavior and conduct is fostered by example, counseling, guidance, admonition, and adherence to University policies and regulations. An academic institution can and should hold a student accountable for violating institutional policies and rules, particularly when the student's conduct interferes with the safety or rights of other members of the institutional community.

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

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

While it is the goal of the disciplinary process to educate students as to the purpose and importance of abiding by the prescribed code of conduct, the University may also issue sanctions as are appropriate and necessary to ensure continued and/or future adherence to this code.

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

## **B. Commitment to Diversity**

Montclair State University is committed to equal student access to all campus benefits and services without regard to race, creed, color, national origin, ancestry, age, marital status, affectional or sexual orientation, familial status, disability, nationality, sex, gender identity or expression, or any other characteristic protected from discrimination by the New Jersey Law Against Discrimination (N.J.S.A. 10:5-4). In order to foster an atmosphere of respect, understanding, and goodwill among all members of our diverse campus community, the University will regard differences of race, creed, color, national origin, ancestry, age, marital status, affectional or sexual orientation, familial status, disability, nationality, sex, gender identity or expression, or any other characteristic protected from discrimination by the New Jersey Law Against Discrimination, N.J.S.A. 10:5-4 as strengths to be honored, not mocked or derided. Thus, the University encourages all members of the community to behave in ways that enhance our diverse, multi-ethnic, and multi-cultural society.

## **C. Standard of Evidence**

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

## **D. Standard of Authority**

This code of student conduct applies to incidents that occur on the University's Campus, at any University-related facility, at any University event, between University students who utilize computers or other equipment located on the University campus or at University-related facilities. University events include all athletic, academic, and social events sponsored by any University-related organization, whether on or off-campus. The expectations and processes outlined in this Code apply to both Montclair State University and Bloomfield College of Montclair State University students unless otherwise specified in this document.

The standards of the University will apply to students who participate in study abroad programs, as the University maintain authority during this time. Further, off-campus misconduct may be subject to the authority of the University and addressed through its conduct procedures if a student engages in prohibited conduct under such circumstances that reasonable grounds exist for believing that the accused student poses a threat to the life, health or safety of any member of the University community or to the property of the University. In addition, if the conduct substantially interferes in the University's pursuit of its educational mission, the discharge of its basic responsibilities to maintain an orderly educational atmosphere, and to function without substantial interruption as an institution of higher learning each student will be responsible for their conduct from the time of enrollment through the actual awarding of a degree. This includes the time before classes begin or after classes end each semester.

Subject to the protections afforded to students under the First Amendment, the Code may be enforced by the University with regard to behavior conducted online, via email or other electronic media. Students should also be aware that online postings may subject a student to alleged conduct violations if evidence of policy violations is posted online. The University may take action if and when such information is brought to the attention of University officials. However, the protected free expression will not be subject to this Code.

This Code does not apply to Complaints filed with the Title IX Coordinator or Deputy Title IX Coordinator pursuant to the Title IX Sexual Harassment/Sexual Assault Policies and Procedures unless the Complaint is dismissed. This Code could apply to conduct that involves Sexual Assault or Sexual Harassment that occurs outside of the United States.

## **E. Standard of Complicity**

A student will not, through act or omission, assist another student, individual, or group in committing or attempting to commit a violation of the University's Code of Conduct. A student who has knowledge of another individual committing or attempting to commit a violation of the Code of Conduct is required to remove themselves from the situation, and failure to do so when reasonable under the circumstances may be the basis for a violation of this policy. Willful ignorance will be viewed as knowledge of the incident. Furthermore, attempted violations of, or being an accessory to any act prohibited by the Code of Conduct will be considered the same as a completed violation

## **II. GLOSSARY OF TERMS**

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

**Alleged Victim** – a member of the University community who alleges that they have suffered personal harm or injury, as a result of an alleged violation(s) of this Code.

**Appeal Officer** – any University Administrator who is charged with hearing and determining student appeals from a University Panel Hearing or a University Administrative Hearing based on reviewable criteria. In cases involving Harassment, the appeal will be heard by an Appeal Panel.

**Business day** – any day when the University offices are open for business. Any documents that are sent on non-business days will not be viewed as received until the following business day.

**Coercion** – persuading someone to do something by using verbal and/or physical force or threats.

**Complainant** – any member of the University community who is a current student, Faculty or administrator/staff who has elected to serve as the complaining party in which they have filed a complaint of alleged violation in Hearings or Conferences conducted under this Code. Additionally, the University reserves the right to act as the complainant in any case.

**Conduct Conference Meeting (CCM)** – initial meeting with a University administrator to discuss the process and options for the student. Only the accused student and conduct officer will attend this meeting.

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

**Director of Student Conduct** – the person designated by the Dean of Students to be responsible for the administration of the University Code of Conduct and all procedures related to said administration. The Director will develop policies for the administration of the student conduct system and procedural rules for the conduct of Panel Hearings that are consistent with provisions of the Student Code.

**Disciplinary Holds** – a restriction placed on an individual's ability to apply for admission, obtain their transcript, or register for classes. If placed due to lack of compliance with a stipulation, the hold is not subject to removal until the next business day after successful submission.

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

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

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

**Persona Non Grata (PNG)** – Latin for "an unwelcome person". Any individual prohibited from visiting an area are considered PNG. Individuals who receive this status are subject to either revocation of visitation in the residence halls or all University premises. Individuals who are not currently registered at the University who violate policy will be subject to this status. Individuals classified as non-students who seek to enroll in the University in the future will have to address the alleged violation prior to gaining admittance/reentry to the University. Montclair State University is not under any obligation, legal or otherwise, to remove this status or grant meetings to discuss this status. It will be the sole discretion of the Director of Student Conduct, or designee, to review any requests.

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

**Reckless intent** – conduct which one should reasonably be expected to know would create a substantial risk of harm to persons or property

**Respondent** – any student who has been accused of an act prohibited under this Code and is subject to investigation and procedural steps to determine if a violation of policy has occurred.

**Stipulation** – requirements that are intended to work in conjunction with sanction(s) to provide students with additional opportunity to learn from their experience or as a consequence of their behavior.

**Student** – includes all persons taking courses at the University, either full-time or part-time, pursuing undergraduate, graduate, or professional studies. Persons who withdraw after allegedly violating the Student Code and who are not officially enrolled for a particular term, but who have a continuing relationship with the University are considered students. In addition, any person for whom the University maintains educational records, as defined by the Family Educational Rights and Privacy Act of 1974 and related regulations, and who has not yet been awarded their degree from the University. Any individual who is not registered for classes at the time of a reported violation is viewed as a non-student and subject to PNG status (see PNG).

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

**University Administrative Hearing (UAH)** – hearing option where only the student charged with a violation meets with a Conduct Officer so a case outcome can be rendered. Only the accused student, conduct officer, and University Advisor may be present

**University Advisor** – a member of the University community who has been selected by a respondent or by a complainant to assist them in hearings or conferences conducted under this Code's stated processes. University advisors who hold a law degree may not act in the scope of a legal advisor. An advisor cannot be related to the student going through the process; examples of individuals who might serve as advisors would be a student's academic advisor, a professor/administrator they know well, etc.

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

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

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

**Willful ignorance** – A decision in bad faith to avoid becoming informed about something; the act of avoidance, disregard or disagreement with known circumstances or facts.

### III. PROCEDURAL STANDARDS

For all reports, a student who makes a report to the following offices will have confidentiality: **Counseling and Psychological Services (CAPS), Student Health Center (SHC), the Center for Social Justice and Diversity, and/or any professional religious leader/clergy.**

Montclair State University is committed to the principles of due process and adheres to fair and reasonable procedural standards that are equitably applied in the adjudication of student discipline cases. All students can expect the Student Conduct Process to be administered in a developmental and supportive manner, and to be treated with dignity and respect by all persons involved in the conduct process. Accordingly, the University affords the following rights to all students:

A) To be presumed not responsible until found responsible by a preponderance of evidence;

B) To have the discipline matter at hand decided by an impartial conduct officer or hearing panel, excluding any person who has a conflict of interest in the proceeding at hand;

C) Documents related to the incident will be read to the student, verbatim by the conduct officer, during the scheduled Conduct Conference Meeting and/or panel hearing. Students have the option to request copies of documents regarding any charges and are required to pay the University a photocopy fee. All documents will be redacted to remove information that is confidential under the New Jersey Open Public Records Act and the Family Educational Right to Privacy Act. Students will be charged \$0.50 per page for copying/redacting with the total cost being billed to the student's University account. Copies of University documents will be available in the Office of the Dean of Students for two weeks for pick-up and then mailed to the home address listed for the student. FERPA requires the University to provide copies of such documents within 45 days from receipt of the request, however, any request will not delay the conduct process. Students must contact University Police directly to obtain police records. Students may request transcribed copies of hearing audio recordings. Transcription of hearing recordings are priced based upon rates determined by University-approved transcription vendor. *Please note that transcription services can be expensive. Costs may range from \$50.00 to more than \$400.00. Students will be requested to confirm their request prior to the University acting on their request. Once the request is confirmed, the associated cost will be billed when the documentation is provided.*

D) Access to advice by an individual of their choosing, including an attorney or University Advisor. Such advisors may not speak at a hearing on behalf of the student charged, or appear in lieu of the student. Additionally, all University Advisors or attorneys are limited to advising accused students or alleged victims to answer or not answer a question only. However, counsel or advisers may assist a student prior to any conduct process and may assist the student afterwards, as well with any applicable appeal. A student who wishes to have an attorney as an advisor present at a hearing must inform the University Director of Student Conduct, or their designee, in writing, by fax or by electronic mail, at least two business days prior to a hearing. If the respondent informs the University that an attorney will be present at the hearing, the complainant may be represented by an attorney of their choosing and legal counsel for the University may also be present. University Advisers may attend either Panel Hearings or Administrative Hearings, however, legal counsel would be limited to only attending Panel Hearings. It is the responsibility of the student to make sure their University Advisor/Legal Counsel is present. Specific availability for either University Advisor or Legal Counsel will not be sufficient grounds for postponing the conduct process

E) The complainant and respondent will be given the opportunity to testify, to present witnesses, and to present to the Hearing Panel written questions for the University representative presenting the charges to review and approve for any participants. Time limits for presentation/questioning/etc...may be imposed during the process. The complainant and respondent may remain silent in a University proceeding. Such decision will not be used against the complainant and respondent, but a violation of the Student Code may be found based upon the other information presented. The complainant may be called as a witness by the University representative presenting the charges.

F) In all cases, the Hearing Panel will not consider statements against the complainant and respondent until they have been advised of their content and the names of those who made them. The complainant and respondent have the right to rebut such statements.

G) A list of all witnesses that the complainant and respondent wish to testify at the hearing must be submitted in writing to the Director of Student Conduct at least two business days prior to the hearing. The complainant and respondent are responsible for the attendance of witnesses at the hearing. Witnesses are considered individuals who have direct knowledge of the incidents or charges under investigation. Character witnesses will not be permitted.

H) The Code of Conduct identifies the process for hearings. The University may vary procedures upon determining that changes to law or regulation require modification and ensure that due process is provided to all parties. Any question of interpretation or application of the University's Code of Conduct will be referred to the Dean of Students or designee for final determination. Further, in accordance with existing statutes, especially the N.J. Open Records Act, student disciplinary records are confidential records. The Student Right-to-Know and Campus Security Act (Clery Act), the N.J. Campus Sexual Assault Victim's Bill of Rights, and/or 34 CFR 668.47(a) (12) (vi) do permit the disclosure of campus conduct findings and any resulting appeals to victims of "sex offenses" (including non-forcible ones)

or "crimes of violence". New legislation or conduct interpretation may result in changes to privacy and disclosure regulations. If such changes occur over the course of the academic year, students who are currently involved in the discipline process will be so advised in writing, as appropriate and necessary

I) Students may be accountable to both external authorities and to the University for acts that constitute violations of law and this Code. University Conduct proceedings will continue normally regardless of pending administrative, civil or criminal proceedings arising out of the same or other events, and will not be delayed or subject to challenge and/or appeal on the ground that criminal charges involving the same incident have been dismissed; reduced; or are pending.

J) The University Panel Hearing may accommodate concerns for the personal safety, well-being, and/or fears of confrontation of the Complainant, Accused Student, and/or other witnesses during the hearing by providing separate facilities, by using a visual screen, and/or by permitting participation by telephone, videophone, closed circuit television, video conferencing, videotape, audio tape, written statement, or other means, where and as determined in the sole judgment of the University Director of Student Conduct or designee to be appropriate.

K) The University will disclose to alleged victims of violent crimes, and sex offenses, or to the next of kin if they have died, the final results of any disciplinary proceedings against alleged student perpetrators of such crimes

L) The respondent or complainant's withdrawal from the University does not terminate the disciplinary proceeding except when the University representative determines that it is appropriate under the circumstances for campus security, and reaches a resolution with the respondent, which includes withdrawal of the disciplinary charges. Any student(s) who withdraws from the University in an attempt to circumvent the conduct process will still be held accountable to established policies, if the alleged student is found responsible based on process guidelines. In incidents such as this, the student would be subject to forfeiture of any tuition, fees, etc., depending on the outcome of the process.

M) All Administrative and Panel hearing proceedings will be audio-recorded, as well as subject to video recording, depending on the manner in which the hearing is conducted. These recordings are only for the purpose of providing assistance to the members of the Hearing Panel or Hearing Office in their deliberations, or by an appeal officer(s) if an appeal is filed. They are considered property of the University.

N) Where more than one student is charged with an offense arising from a single occurrence or from connected occurrences, a single hearing may be held for all students so charged. In said cases, separate determinations of responsibility will be made for each responding student.

O) Students who have multiple reported incidents may receive a cumulative outcome response regarding the incidents, but any outcome will note the individual charges outcome respectively.

P) The University may provide students amnesty regarding alcohol and/or other drugs related incidents when the student meets the standard of the **Medical Amnesty Policy** or in cases arising out of victims of Harassment so that they do seek assistance. While the University maintains records of medical amnesty, it may not be reported to third parties in connection with the student's academic record.

Q) Any documentation that a student may wish to have presented to University Panels must be provided two business days in advance of the scheduled University Panel to the Director of Student Conduct or designee

R) The University reserves the right to administer the conduct process via video conference. When a video conference is utilized, all normal policy and procedures are expected to be followed (i.e. who may be in attendance, etc...). However, in such instances, the hearing, will still be recorded. Students are permitted to request to have in-person meetings held via on-line methods or vice-versa, but the determination of said request will be made by the University.

S) Alternative Dispute Resolution can be used to resolve disputes that does not involve the filing of conduct allegations against a student. This process can proactively resolve issues and differences between individuals and/or groups. The ADR process may be used for, but not limited to: roommate disputes, disputes within an organization, or interpersonal disputes with other students.

- If the complaint originates in the Student Conduct process, the complaint may be referred back to the process based on discretion of the hearing officer. Students who fail to comply with the final ADR determination will be referred to the Student Conduct process.
- Findings of an ADR process will be kept as "reprimand notices" as listed in Section IV of this Code. The determination of use of the ADR process is solely that of the University

T) Disciplinary records will be maintained by the University for seven (7) years from the time of their creation.

U). Respondent students may receive one of four findings: 1) finding of "responsible"; 2) finding of "not-responsible"; 3) finding of "reprimand notice" only or 4) finding of "charges dismissed". In cases that result in all charges being dismissed or found "not responsible", the student will not receive a sanction pursuant to Section IV below.

V) Students may request accommodations for the conduct process. Any accommodation must be made in writing. Students are encouraged to connect with the Disabilities Resources Office to assist in this endeavor.

X. Disciplinary outcomes become final action and not subject to modification if appeal submission criteria has not been met. Appeal outcomes, as outlined in Section XIII, are final and not subject to modification.

## **IV. SANCTIONS/STIPULATIONS**

### **A. Sanctions**

Factors to be considered in deciding sanctions will include, but will not be limited to the following criteria: (1) present demeanor and past disciplinary record of the student, (2) the nature of the offense(s), (3) severity of any damage, injury, or harm resulting from it as perceived by the victim and/or appropriate University officials, (4) University precedent for similar violations, (5) mitigating or aggravating factors identified by student and/or witnesses. The (ab)use of alcohol and/or illegal substances will be considered an aggravating rather than a mitigating factor. Violations of the Code of Student Conduct that can be proven to have been motivated by illegal bias will result in the imposition of more severe sanctions. Victims may submit written statements to the University Director of Student Conduct detailing the effect the offense has had upon them and their ability to function as students. Repeated or aggravated violations of any provisions of this code may result in expulsion, suspension, or in the imposition of such lesser penalties as may be appropriate.

#### **1. Reprimand Notice**

The student is provided a reprimand notice indicating that an incident has been recorded. Reprimand Notices are non-releasable and do not become permanent additions to the student record, as they are not formal sanctions. Examples would entail University No-Contact Orders issued solely by themselves and academic dishonesty reprimands.

#### **2. University Warning**

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

### **3. University Probation**

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

### **4. University Suspension**

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

### **5. University Expulsion**

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

### **6. Interim and Final Protective Measures**

The University will identify and implement such interim measures to protect parties involved in reported conduct action and to ensure equal access to its education programs and activities. The University will undertake these measures promptly once it has received notice of an allegation of policy violation. Interim measures may include, but not be limited to, a No Contact Order, or permitting complainant to change academic and extracurricular activities or their living, transportation, dining, and working situation as appropriate. The University may impose the same or additional protective measures after a final determination of the charges.

## **B. Stipulations**

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

- Students may have campus residence (residence halls and campus apartments), campus driving, or parking privileges limited or revoked and be subject to the status of Persona Non Grata; Any student who is removed from residential housing will have a maximum of three (3) business days of electronic delivery of notice to vacate their assignment. Further, students need to vacate residential housing in twenty-four (24) hours of electronic delivery of notice if an appeal is denied for a residential removal/expulsion outcome.
  - Students removed from University housing do not have an automatic right to return to housing at the conclusion of their removal period. Returning to university housing will be considered a privilege and not guaranteed.
  - In order to return to University housing, students must apply for consideration no earlier than one full year after the conclusion of their removal period. To apply, students must submit a comprehensive reflection paper addressing the points below:
    - What have you learned about yourself and your decision-making since your removal from housing?
    - Identify specific choices and behaviors that led to your removal and explain what you would do differently now.
    - Why is returning to University housing important for your academic, personal, and/or professional success?
    - Outline the steps you will take to ensure compliance with community standards should you return to University housing. Identify at least three resources, both on- and off-campus, that you plan to utilize to support your successful reintegration into the residential community.
  - The application will be reviewed by a representative of the Dean of Students' Office, and decisions will be communicated within seven business days of submission. Students retain the right to appeal decisions in writing to the Vice President for Student Development and Campus Life within three business days of electronic delivery of the decision, with responses to appeals provided within five business days of receipt.
  - Students expelled from University Housing are expelled permanently and will not have the ability to apply for restoration of their housing privileges.
- Students may be required to complete community restitution projects and/or educational assignments;
- Students may be required to make financial restitution for damages incurred as a result of the violation for which they have been found responsible;
- Students may be required to disassemble and/or remove certain belongings, materials, possessions, or property from campus or campus-related facilities, including material hosted or placed on University networks, servers, or websites in an unauthorized manner or in a manner inconsistent with University policies;
- Students may be referred to Student Health Center (SHC), Counseling and Psychological Services (CAPS), or Disabilities Resource Center (DRC) for appropriate medical or psychological services for counseling or other special help;
- Students may be subject to having restrictions placed on their ability to register for credits or other holds placed on their accounts; such holds placed for non-compliance of required task will be removed the next business day after successful completion.
- Underage students may be subject to parental notification in cases dealing with alcohol and/or drugs as outlined in the University Parental Notification Policy permitted by the Family Educational Rights and Privacy Act (FERPA).
- Revocation of Admission and/or Degree: Admission to or a degree awarded from the University may be revoked for fraud, misrepresentation, or other violation of University standards in obtaining the degree, or for other serious violations committed by a student prior to graduation.
- Withholding Degree: The University may withhold awarding a degree otherwise earned until the completion of the process set forth in this Student Conduct Code, including the completion of all sanctions imposed, if any.
- Students may have their current University status modified to limit their presence and/or engagement in University-related programs and activities for specific time periods.

A student may receive more than one stipulation for a single violation/outcome. Students who are found responsible for Code of Student Conduct violations may, at the discretion of the conduct officer or hearing panel adjudicating the case, be offered the opportunity to engage in substantive educational and reflective activities and, after the satisfactory completion of the specified educational and reflective activities, may have certain appropriate privileges restored.

## **C. Transcript Notation**

1. Students suspended from the University, as a result of disciplinary action, will have a notation placed on their transcript. If the student reenrolls, remains in good disciplinary standing and completes the requirements for graduation, the student may request removal of the notation at the time they file for graduation. Requests must be submitted to the Office of Student Conduct for consideration. The Vice President of the Division of Student Development and Campus Life, in consultation with other University officials, will make the final decision regarding removal of the notation. A review is not an indication that the request will be granted.
2. Students expelled from the University, as a result of disciplinary action, will have a notation placed on their transcript. The notation is permanent.
3. Notation will read as "Disciplinary Suspension" and "Disciplinary Expulsion" respectively.
4. Transcript Notation may or may not be considered by another institution when accepting the transfer of earned credits.

### **Transcript Notation Removal Guidelines**

After all the term(s) of the suspension have been fulfilled, a student may request that the Disciplinary Suspension notation be removed from the student's official transcript.

#### **Prior to Doing So, the Student Must Have:**

1. Re-enrolled at the University upon the completion of their suspension;
2. Remain in good disciplinary and academic standing;
3. Complete the requirements for graduation.

Upon filing for the final degree audit, a student may submit a request, electronically, to the Office of Student Conduct.

#### **Requests Will Adhere to the Following Guidelines:**

1. Must outline the reasons for removal of the notation.
2. Provide information on how the student has grown from the incident and document their activities since returning to the University.
3. Request will be submitted in a Microsoft Word document and will be no more than three pages.

Upon receipt and initial review, the Office of Student Conduct will forward the request to the Vice President of Student Development and Campus Life.

Upon receipt of the request, the Vice President of Student Development and Campus Life will confer with the Dean of Students or designee to review the request and consider approval or denial.

#### **Factors to Be Considered In Review of Such Requests Will Include:**

1. The conduct of the student upon their return to the University to the time of the request;

2. The academic attainment of the student;
3. The conduct of the student subsequent to the violation;
4. The nature of the violation and the severity of any damage, injury, or harm resulting from it; and
5. The information provided by the student in the request.

The decision to remove the notation shall rest in the discretion and judgment of the Vice President of Student Development and Campus Life or designee. The Office of Student Conduct will notify the student of the decision. All reviews are final and not subject to challenge.

## **D. Refund Policy**

No adjustments of tuition, fee, room or board charges will be provided to any student who has been found responsible for violating the University Code of Student Conduct and placed on probation, suspended or expelled from the University or from a residence hall or campus apartment. This provision holds regardless of normal tuition adjustment periods.

# **V. VIOLATIONS**

## **A. Academic Dishonesty**

*Minimum sanction: Probation; Maximum sanction: Expulsion*

The Montclair State University community holds academic honesty and personal integrity as core values. All students are expected to apply themselves to their coursework and follow assignment instructions. Students must refrain from actions that provide an unfair advantage for oneself or others, refrain from actions that misrepresent a student's proficiency or accomplishments, and refrain from assisting others who seek to engage in, or benefit from, dishonest activity. Engaging in any of these prohibited behaviors is considered academic misconduct.

Academic misconduct is any action or attempted action by a student that compromises the academic integrity of the University, subverts the educational process, or results in creating an unfair academic advantage for oneself or an unfair academic advantage or disadvantage for any other member of the academic community. This applies to both graded and ungraded coursework, individual and group work, and to all academic work products and academic activities at the university.

Academic work products include but are not limited to: essays, papers, quizzes, tests, examinations, speeches, internal and external presentations, abstracts, posters, reports, projects, proposals, manuscripts, problem sets, computer code, compositions, artistic designs and creations, surveys, translations, transcriptions, exhibitions, deliverables, graduate comprehensive exams, graduate qualifying exams, masters theses, and doctoral dissertations.

Examples of student academic misconduct include, but are not limited to:

1. Copying from another student's work product or permitting another student to copy from one's own work.
2. Re-submitting a work product that was generated by another student who previously took the course.

3. Submitting one's own work products for credit in more than one course without prior permission from all instructors (i.e., submitting one's own term paper in two or more courses).
4. Using unauthorized assistance or unauthorized materials from any source (including but not limited to oral, audio, physical, digital, text messages, generative artificial intelligence (AI), photographs, apps, websites, and services) to generate a work product.
5. Unauthorized collusion or collaboration with other persons in preparing work products, or otherwise giving or receiving unauthorized assistance.
6. Unauthorized gathering, stealing, buying, transporting, soliciting, giving or selling a work or educational product.
7. Coercing any other person to obtain information regarding course materials, assignments, and work products.
8. Impersonating another student to complete a work product on their behalf, or soliciting or engaging an impersonator for such purposes on behalf of oneself or others.
9. Altering information on a graded work product, and then claiming the instructor improperly graded the work product.
10. Submitting altered, fabricated, or falsified information in a work product.
11. Sabotaging or disrupting the learning experience for other students, for example by defacing, destroying, or withholding shared information or shared materials from classmates.

## 12. Plagiarism

**Plagiarism:** Using words, ideas, or work products of another person or entity (including generative AI), to any extent, as if they were one's own, unintentionally or otherwise, and the unacknowledged incorporation of the content in one's own work. Submitting a copied, partially copied, or partially paraphrased work of another as one's own is plagiarism. Plagiarism pertains to words, ideas, pictures, images, data, audio content, and speech without proper citation. Source citations must always be given for works and information quoted or paraphrased.

The following guidelines will assist students in avoiding plagiarism:

- a. General indebtedness for background information and data must be acknowledged by inclusion of a bibliography of all works consulted;
- b. Specific indebtedness for a particular idea, or for a quotation, must be acknowledged by an in-text citation, footnote, or endnote reference to the actual source. Failure to identify quoted text, or text used largely in its original form even with an accompanying citation present, is "patch writing," a form of plagiarism.
- c. Work will be considered plagiarism if it duplicates completely or in part, without citation, the work of another person to an extent that is greater than is commonly accepted. The degree to which imitation without citation is permissible varies from discipline to discipline. Students must consult their instructors to ensure they understand acceptable practices within the discipline.
- d. Information taken from the Internet/websites must always be cited. Failure to properly acknowledge online information is plagiarism.
- e. Cite a generative AI tool whenever work created by the tool is paraphrased, quoted, or incorporated into one's own work product. If generative AI was used to edit one's own prose, the use of the tool for this function should be acknowledged in the work.

## B. Alcohol Violation

*Minimum sanction: Warning; Maximum sanction: Expulsion.*

Drinking or being in possession of any alcoholic beverage, or powdered alcohol mixtures, in public or private areas of University premises not approved for such activity, possession and/or consumption by a minor; public intoxication; soliciting University students and minors to purchase alcohol off-campus, and driving while intoxicated.

1. **Common Sources/Bulk Containers:** Possessing, furnishing, or serving from a common source of alcohol (i.e. kegs, mini-kegs, beer balls, punch bowls, or other approximate equivalent number of servings) is prohibited. Bulk containers and/or mass quantities of any alcohol are not permitted in apartments, suites, and/or individual rooms. Sanctions apply to all students (residents and non-residents) present at the time of the infraction and/or to all students (residents and non-residents) who were involved in any way in planning or hosting an event at which a common source or bulk container is provided. In addition, empty kegs, mini-kegs, beer balls, and/or any tapping devices are not permitted in any apartment, suite, or individual room for any purpose, including use as decorations and/or furnishings.
2. **Rapid Consumption:** Objects and drinking apparatuses or methods that promote irresponsible binge consumption of alcohol, which include, but are not limited to, funnels, beer bong, or drinking games, including imitations or non-alcoholic beverages (i.e. root beer pong) are prohibited. All individuals present at the time of the infraction may be charged for a policy violation.
3. **Residence Halls:** The University promotes an alcohol-free residence hall community as part of a strong academic environment. Because the majority of campus residents are under legal drinking age and due to the challenges of alcohol abuse, alcohol is prohibited in the residence halls. Possession of alcohol, or empty alcohol cans, bottles, etc., constitutes an alcohol violation and may result in strict disciplinary action and/or dismissal from the residence community. Alcohol containers may not be used for decorative purposes. Students may be asked to reveal the contents of bags, boxes, etc., if reasonable suspicion of possible alcohol possession exists.
  - a. **The Village at Little Falls, Hawk Crossings Apartment Complex and 19/23 Austin Place Alcohol Policy.** In keeping with applicable state laws regarding alcohol, and the University's own philosophy regarding substance use and abuse, only Village, Hawk Crossings and 19/23 Austin Place residents 21 years of age or older may possess and consume alcohol inside their apartments and only under the following conditions: 1) no alcohol deliveries are permitted to the apartments, 2) no alcohol is permitted outside the buildings, in hallways/stairwells, or in other common areas outside of apartments and 3) no alcohol is given to individuals under 21 years of age.
  - b. **Quantities.** To prevent alcohol abuse, the University prohibits quantities of alcohol beyond what is reasonably appropriate for personal use by the number of occupants assigned to a residence. Quantities of alcohol that are intended for consumption beyond personal use by the number of occupants (e.g. for entertaining or a party) are prohibited. The University may consider the number of empty containers within a residence in determining whether this section of the Code has been violated. All empty containers must should be disposed of promptly for safety and sanitary reasons.
  - c. **Roommates.** Students under 21 years old sharing an apartment in Hawk Crossings, The Village or 19/23 Austin Place with students who are 21 years old or older may be in the presence of alcohol within their apartment ONLY; however, the underage individuals are NOT allowed to consume or possess alcohol. Non-residents of the apartment under the age of 21 are not permitted to be in the presence of alcohol.

## C. Computer Misuse

*Minimum sanction: Probation; Maximum sanction: Expulsion*

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

facilities and information technology services, such as a student e-mail account or whether computer or University WiFi are accessed from on- or off-campus. This also includes any violation of University Information Technology policies.

## **D. Harassment, Intimidation and Bullying**

*Minimum sanction: Warning; Maximum sanction: Expulsion*

Students are prohibited from engaging in harassment, intimidation and bullying. A student will be found responsible for harassment, intimidation or bullying if they engage in conduct, including but not limited to, any gesture, written, verbal or physical act, or any electronic communication (which includes e-mails, text messages, and Internet postings on web-sites or social media), whether it be a single incident or series of incidents, that occurs on or off the University's campus, through use of the University facilities, or at any function sponsored by the University or any University related-organization; that is sufficiently severe or pervasive that substantially disrupts or interferes with the orderly operation of the University or the rights of any student or other member of the University community; and that:

- a) involves intimidation or threats to another person's safety, rights of personal privacy and property, academic pursuits, University employment, or participation in activities sponsored by the University or organizations or groups related to the University, or
- b) creates an intimidating or hostile environment by substantially interfering with a student's education, or by materially impairing the academic pursuits, employment or participation of any person or group in the University community, or by severely or pervasively causing physical or emotional harm to the student or other member of the University community; or
- c) a reasonable person should know, under the circumstances, will have the effect of physically or emotionally harming a student or other person or damaging the property or placing them in reasonable fear of physical or emotional harm to their person, or to any member of that person's family or household, or of damage to their property; or
- d) a reasonable person should know, under the circumstances, will have the effect of insulting or demeaning any student or group of students; or
- e) a student violates a domestic violence restraining order that is entered by a Court and obtained against another student.; or
- f) Sexual Assault or Sexual Harassment as defined by the Title IX Sexual Harassment/Sexual Assault Policies and Procedures that occurs outside of the United States.
- g) involves any attempt of blackmail (i.e. threat to reveal damaging or revealing information, such as photos and/or videos) or extortion (i.e. threats of physical harm) directed toward a student

### **1. Discriminatory Harassment, Intimidation and Bullying**

*Minimum sanction: Probation; Maximum sanction: Expulsion*

A student will be found responsible for discriminatory harassment, intimidation or bullying who engages in Harassment conduct described above as "harassment/ intimidation/bullying" which the student directs at a specific group or individual, based upon race, creed, color, national origin, ancestry, age, marital status, affectional or sexual orientation, familial status, disability, nationality, sex, gender identity or expression, or any other characteristic protected from discrimination by the New Jersey Law Against Discrimination, N.J.S.A. 10:5-4.

## **E. Invasion of Privacy**

*Minimum sanction: Probation; Maximum sanction: Expulsion*

1. Making, attempting to make, transmitting, or attempting to transmit audio, video, or images of any person(s) in bathrooms, showers, bedrooms, or other premises where there is an explicit expectation of privacy with respect to nudity and/or sexual activity, without the knowledge and consent of all participants subject to such recordings or transmittals.
2. Making, attempting to make, or transmitting an audio or video recording of private, non-public conversations and/or meetings without the knowledge and consent of all participants subject to such recordings. This provision does not extend to the recording of public events or discussions, or to recordings made for law enforcement purposes.
3. Viewing or spying on a person(s) in bathrooms, showers, bedrooms, or other premises where there is an explicit expectation of privacy with respect to nudity and/or sexual activity, without the knowledge and consent of all participants.
4. Unauthorized intrusion upon a person's private property or communications.
5. Unauthorized appropriation and/or use of someone's identifying or personal data or documents.

## **F. Destruction of Property**

*Minimum sanction: Probation; Maximum sanction: Suspension*

1. No student may intentionally or with reckless intent damage, deface or destroy University property or that of any other person;
2. No student may litter or place graffiti on walls, doors, furniture or other property.

## **G. Disruptive Conduct**

*Minimum sanction: Warning; Maximum sanction: Suspension*

A student will be found responsible for disruptive conduct if they substantially impair, interfere with or obstruct the orderly conduct, process and functions of the University. Disruptive conduct includes, but is not limited to: noise which is unreasonably excessive in the area, time or manner in which it occurs; threatening or obscene language or behavior in public places; obstruction of vehicular traffic; and classroom behavior which materially interferes with either (a) the instructor's ability to conduct the class or (b) the ability of other students to profit from the instructional program.

This policy is not intended to discipline students for classroom dissent or civil discourse. Nor it is intended to hinder organized, nonviolent and orderly protests that are undertaken within reasonable time, manner, and place as established by the University's Expressive Activity Policy.

## **H. Drug Violations**

*Minimum sanction: Probation; Maximum sanction: Expulsion*

1. The intent of, actual distribution of, sale of or manufacturing of drugs, narcotics, barbiturates, hallucinogens, cannabis/marijuana/hashish, steroids, amphetamines or any other controlled substance is prohibited. This includes any form of sale, exchange or transfer, regardless of monetary transaction.
2. The possession or use of controlled dangerous substances, cannabis/marijuana/hashish, steroids, or narcotics, including, but not limited to, opium (morphine, codeine, heroin), prescription drugs in possession of someone other than the prescribed individual,

misuse of prescribed drugs, and every other substance not chemically distinguishable from them (i.e. imitation/synthetic products such as bath salts and/or K2) as well as any drug paraphernalia, on campus or in any property owned, controlled or leased by the University or University-related entity is prohibited.

3. Individuals who are under the influence of cannabis/marijuana/hashish are prohibited from campus and property owned, controlled and rented by the University or a University related entity.

New Jersey has adopted laws to legalize the medicinal use of cannabis/marijuana, and recreational use of cannabis/marijuana and hashish by persons over the age of 21. However, the University is obligated to comply with federal laws – The Controlled Substances Act, 21 USC 801, and the Drug Free Schools and Communities Act, 34 CFR 84 – which prohibit the cultivation, distribution and possession of marijuana. Therefore, the use of cannabis/marijuana prescribed for a medical condition in any form (including edibles, etc.), and the use and/or possession of recreational cannabis/marijuana or hashish by any person at any age, on the University's campus or property of a University related entity, is **prohibited**.

*In addition, a conviction in criminal court for certain controlled substance offenses including drug possession and/or sale (including but not limited to marijuana/hashish) may cause a student to be ineligible for Federal financial aid for a period of time. See the Financial Aid Office for details*

## **I. Failure to Comply**

*Minimum sanction: Warning; Maximum sanction: Suspension*

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

## **J. Forcible or Unauthorized Entry**

*Minimum sanction: Probation; Maximum sanction: Suspension*

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

## **K. Forgery, Alteration or Misuse of University Documents**

*Minimum sanction: Probation; Maximum sanction: Expulsion*

The forgery, alteration, destruction, or misuse of University documents, records, timesheets, and identification cards is expressly prohibited. This includes, but is not limited to, the alteration, destruction, or misuse of such University and University-related materials as academic forms, files, records, identification cards, or other papers. Forging an instructor's and or site evaluator's signature or initials on examinations, evaluations, lab reports or other academic materials is prohibited. Students are prohibiting from forging any such material and risk facing criminal charges should they be found in violation of this policy. Students are prohibited from submitting forged and/or altered documents.

## **L. Furnishing False Information**

*Minimum sanction: Warning; Maximum sanction: Suspension*

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

## **M. Gambling**

*Minimum sanction: Warning; Maximum sanction: Suspension*

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

## **N. Hazing**

*Minimum sanction: Suspension; Maximum sanction: Expulsion*

As defined by the Stop Campus Hazing Act, Hazing means any intentional, knowing, or reckless act committed by a person (whether individually or in concert with other persons) against another person or persons regardless of the willingness of such other person or persons to participate, that— (I) is committed in the course of an initiation into, an affiliation with, or the maintenance of membership in, a student organization; and (II) causes or creates a risk, above the reasonable risk encountered in the course of participation in the institution of higher education or the organization (such as the physical preparation necessary for participation in an athletic team), of physical or psychological injury including— (aa) whipping, beating, striking, electronic shocking, placing of a harmful substance on someone's body, or similar activity; (bb) causing, coercing, or otherwise inducing sleep deprivation, exposure to the elements, confinement in a small space, extreme calisthenics, or other similar activity; (cc) causing, coercing, or otherwise inducing another person to consume food, liquid, alcohol, drugs, or other substances; (dd) causing, coercing, or otherwise inducing another person to perform sexual acts; (ee) any activity that places another person in reasonable fear of bodily harm through the use of threatening words or conduct; (ff) any activity against another person that includes a criminal violation of local, State, Tribal, or Federal law; and (gg) any activity that induces, causes, or requires another person to perform a duty or task that involves a criminal violation of local, State, Tribal, or Federal law."

## **O. Infliction or Threat of Bodily Harm**

*Minimum sanction: Probation; Maximum sanction: Expulsion*

Students are prohibited from fighting and engaging in other acts of physical assault and violence in any University or University related facility, or at University events, including academic, athletic, and social events held on campus or away from campus. While self-defense will not excuse a student's actions, the University will take into consideration the legitimacy of the justification offered in addressing the proper outcome.

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

## **P. Organization and Event Registration**

*Minimum sanction: Warning; Maximum sanction: Suspension*

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

## **Q. Residence Hall Regulations**

Students are required to abide by policies and procedures defined and outlined in the terms and conditions of the Residence Hall License Agreement and the Resident Student Community Living Guide. Any policy violation within a residential facility may result in a referral to and charges under the conduct process. Failure to abide by instruction by Residence Life staff constitutes a violation of policy. Students are accountable for their residential space and behaviors within residential facilities. These policies include, but are not limited to, the following:

### **1. Access:**

*Minimum sanction: Probation; Maximum sanction: Suspension.*

Students are required to access residential communities via main entrances only. Emergency exits may only be used to exit in emergencies. Students and/or guests are prohibited from entering via emergency exits. Only assigned occupants will be issued access to housing assignments (via use of hard keys and/or student identification cards). Resident students are required to carry these items at all times and are not permitted to share them with others or copy keys. When halls are officially closed during vacation periods and winter sessions, access will not be permitted without approval from the Office of Residence Life.

### **2. Appliances:**

*Minimum sanction: Warning; Maximum sanction: Suspension.*

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

### **3. Ball Playing:**

*Minimum sanction: Warning; Maximum sanction: Suspension.*

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

Students are encouraged to use the University playing field for these activities.

#### 4. **Bicycles, Motorcycles, Skateboards, and Rollerblading:**

*Minimum sanction: Warning; Maximum sanction: Suspension*

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

#### 5. **Bunk/Loft Beds/Furniture:**

*Minimum sanction: Warning; Maximum sanction: Suspension*

For safety reasons, only beds designated by the Office of Residence Life may be bunked. Beds must be bunked by an approved representative of the University after authorization from the Community Director. A written waiver of liability must be signed by the residents. University residential furniture is not allowed to be disassembled. Students are only permitted to use their appointed furniture within a residential space and if a room is not fully occupied, the space must be kept accessible to any new student placement.

#### 6. **Holiday Decorations:**

*Minimum sanction: Warning; Maximum sanction: Suspension.*

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

#### 7. **Guest Policy:**

*Guest policy subject to amendments due to COVID-19 policies. Please refer to communications from the **Office of Residence Life** for any changes or updates.*

*Minimum sanction: Warning; Maximum sanction: Suspension.*

Note: Bloomfield campus residents may have campus-specific expectations for visitors and guests. For Bloomfield-specific questions, please reach out to Bloomfield Residence Life staff at [973-748-9000](tel:973-748-9000) EXT. 1247 or visit their office on the 1st floor of Franklin Street Residence Hall during business hours.

*Only individuals who are currently registered students at the University and who have received an assignment by the Office of Residence Life for the space in question are permitted to live in a residence hall room.*

Beginning with the 2024-2025 academic year, a **visitor** will be defined as any currently-registered, residential student at Montclair State University. Visitors are permitted to enter any residence hall without signing into the hall or being affiliated with a specific host; however, they can only be in another building's common spaces if with a resident of that building or if participating in a specific program hosted in that space.

A **guest** is defined as any **non-residential student or individual not enrolled in the University**. In order to enter a residential hall, a guest must be escorted by a student residing in that hall. Guests, whether overnight or otherwise, must be signed in by a host who resides in the residence hall they are visiting following all Residence Life **registration procedures**.

Each resident is permitted to have up to two (2) visitors/guests at any one time. Further, a resident may have a total of three (3) visitors/guests stay overnight for a total of three (3) days during the week. A week is defined as any consecutive seven (7) day period. An overnight visit is defined as a visitor/guest being present in a residential facility between 2:00 a.m. and 8:00 a.m. For example, one visitor/guest can stay a total of three nights with no other overnight visitor/guest allowed that week resulting in three overnight visitor/guests; one visitor/guest can stay twice and another visitor/guest can stay once resulting in three overnight visitors/guests. No visitor/guest may stay overnight more than 3 nights during the week with any residential host.

Residents, as well as guest/visitors, will be held liable for the behavior and actions of guests/visitors, regardless of whether guests are formally signed into a residence hall. The host and guest/visitor may face conduct action for any presumption of unauthorized occupancy. The University reserves the right to ask guests or visitors to leave a building if their behavior is disruptive; disruptive behavior will also be documented and referred to the Office of Student Conduct.

#### **8. Noise:**

*Minimum sanction: Warning; Maximum sanction: Suspension.*

Students are responsible for the noise coming from their room and windows. Students may not yell. Students may not listen to their televisions, radios/stereos, or play music inside of their rooms that can be heard outside of their room. Students may not play music outside of their room, without specific permission of residence life staff. If asked to lower the volume of noise coming from a room, also known as courtesy hours, students are expected to do so, regardless of day and/or time. Failure to comply may result in disciplinary action. During quiet hours, music, noise, etc. should not be heard outside of rooms or apartments. This policy also applies to public areas such as lounges, building lobbies, the Blanton-Bohn quad, etc. Twenty-four hour quiet hours are in effect during all reading days and final exam the final week of the fall and spring semesters. Violation of this Twenty-four hour quiet hour policy will result in your immediate dismissal from your residence community.

#### **9. Painting/Construction:**

*Minimum sanction: Warning; Maximum sanction: Suspension.*

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

#### **10. Postings/Signs/Wall Hangings:**

*Minimum sanction: Warning; Maximum sanction: Suspension*

**Public Areas/Public-Facing Areas:** Students cannot display any signs, posters, flyers, whiteboards, or other content in public areas/public-facing areas (student windows, doors, lobbies, hallways, etc.) unless provided or approved by University officials. Posters, signs, flyers, etc. can only be posted in authorized locations. Posters, signs, flyers, etc. which promote the consumption of alcohol, the use of controlled dangerous substances, or anything viewed as obscene and inappropriate behavior may not be displayed in any public area or public-facing areas (e.g., windows, students room windows, doors, common areas, etc.).

**All residential areas:** Tapestries and flags are allowed in residence halls provided that the total amount of wall covered by a given tapestry or flag does not exceed 50%. Students should receive the consent of their roommates prior to posting items in their rooms. Posters, signs, flyers, etc. promoting violence are prohibited.

**All areas:** Posters, signs, flyers, etc. which protect and/or inform the public of the residence hall facilities may not be relocated or altered in any manner.

#### **11. Restricted Areas:**

*Minimum sanction: Suspension; Maximum sanction: Expulsion.*

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

#### 12. **Smoking:**

*Minimum sanction: Warning; Maximum sanction: Suspension.*

Smoking is not permitted in any University residential facility. This includes but is not limited to the following: bedrooms, lounges, bathrooms and hallways. Evidence of smoking (i.e. cigarette butts, is also prohibited). The New Jersey Smoke-Free Air Act of 2006 was amended in 2010 banning electronic smoking devices. Therefore, the use of any electronic smoking device is also prohibited. Further, use of smokeless tobacco products is not permitted within the residential halls.

#### 13. **Solicitations/Surveys:**

*Minimum sanction: Warning; Maximum sanction: Suspension.*

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

#### 14. **Window Screens and Balconies:**

*Minimum sanction: Warning; Maximum sanction: Suspension*

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

#### 15. **Occupancy:**

*Minimum sanction: Warning; Maximum sanction: Suspension.*

Total occupancy of the apartments (The Village at Little Falls and Hawk Crossings) will be no more than twelve (12) total individuals. Triple will have total occupancy set at nine (9) individuals. Doubles will have total occupancy of six (6) individuals. Singles will have total occupancy of three (3) individuals. The total occupancy levels outlined are subject to maintaining compliance with guest policy guidelines (i.e. one resident cannot have more guests as long as they maintain numbers under total occupancy; this would result in a violation of the guest policy). Students are not allowed to take up more than their individually-assigned space regardless of the total assigned students in a room.

#### 16. **Pets/Service Animals:**

*Minimum sanction: Warning; Maximum sanction: Suspension*

Residential guidelines allow only non-predatory fish in a five-gallon tank in residential rooms. No other animals are permitted within any residential facility with the exception of those that have been approved by the Office of Residence Life Support/Service Animal (Residence Life S/SA) policy. The pet owner is ultimately responsible for the actions of the pet. As such, students must ensure proper noise control, hygiene and care of their approved support/service pet so that it is not disruptive to the educational pursuits of the community. Students also must be in full compliance with the Residence Life S/SA policy guidelines. **Service Animal Policy.**

#### 17. **Sleeping in common spaces:**

*Minimum sanction: Warning; Maximum Sanction: Probation*

Individuals are prohibited from sleeping in all University common spaces, including in residence hall common spaces.

## R. Safety

*Minimum sanction: Warning; Maximum sanction: Expulsion*

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

1. Unauthorized use, possession, storage, knowledge, or failure to report fireworks, explosives or other incendiary device of any description, but not limited to: firecracker; M-80s; bottle rockets; ammunition; gasoline; kerosene; propane; paint thinner; and similar items.
2. Causing or creating a fire.
3. Tampering with safety measures or devices, such as alarm systems, fire extinguishers, Automated External Defibrillators (AED), exit signs, emergency phone systems, smoke or heat detectors, fire hoses, security systems, locked exterior doors, sprinkler systems (i.e. students are not allowed to hang/suspend any object from sprinkler heads).
4. Failing to conform to safety regulations
  - (a) False report of a bomb, fire or other emergency in any building, structure or facility on campus or in any University-related premises by means of activating a fire alarm or in any other manner.
  - (b) Failure to evacuate facilities in a timely fashion in emergency situations or in response to fire alarms.
  - (c) Inappropriate use of the fire alarm system.

Residential Facilities: In addition to the aforementioned standards, the following are prohibited items within all residential facilities: candles; incense; halogen lamps; torchiere lamps; lava lamps; multi-arm "octopus" lamps.

## S. Smoking:

*Minimum sanction: Warning; Maximum sanction: Suspension*

The University implemented a phased Tobacco Free Campus Policy in spring 2017 due to documented health risks associated with tobacco products, both for the individual user and those affected by secondhand smoke. Accordingly, the University is fully smoke-free, tobacco-free and vapor-free on September 1, 2020 to sustain a healthy campus environment. Individuals are encouraged and empowered to respectfully inform others about the policy in an ongoing effort to support individuals to be tobacco free and encourage a culture of compliance. Substantiated violations will have appropriate disciplinary action.

1. Montclair State University prohibits smoking in all buildings and facilities, including, but not limited to: residence halls, apartments, offices, classrooms and laboratories, studios, libraries, theaters and auditoriums, gymnasiums and recreation centers, parking structures, and public reception areas. The New Jersey Smoke-Free Air Act of 2006 was amended in 2010 banning electronic smoking devices. Therefore, the use of any electronic smoking device, including vapor/hookah/Juul/etc... also is prohibited within any facility. Further, use of smokeless tobacco products also is prohibited within buildings.

## **T. Theft**

*Minimum sanction: Probation; Maximum sanction: Expulsion*

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

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

*Minimum sanction: Probation; Maximum sanction: Expulsion*

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

## **V. Violations of Written University Policy, Regulations and Announcements**

*Minimum sanction: Warning; Maximum sanction: Expulsion*

Because certain functions, procedures, and processes of the University and University-related business may change after the formal publication of Montclair State University policies, students are expected to abide by written policies, regulations, and announcements about University processes and procedures that are developed and promulgated over the course of the academic year. Further, no individual will use the University's name and logo, or facilities, for commercial, personal or political purposes without authorization

No person will engage in conduct detrimental to the University community as hereinafter defined. Conduct will be deemed detrimental to the University community if it consists of an act or acts prohibited under municipal, state, or federal law or written policy or regulation of the University and either:

- (a) results in or threatens injury, damage, or loss to students, faculty, or administrative personnel of the University, or to buildings, structures or other property under University control; or
- (b) hinders the University in the pursuit of its educational mission and the discharge of its basic responsibilities to maintain an orderly educational atmosphere and to function without interruption as an institution of higher learning.

## **W. Weapons**

*Minimum sanction: Suspension; Maximum sanction: Expulsion*

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

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

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

## **X. Student Organizations**

Student groups and organizations recognized by student government and/or their officers may be charged with and held responsible for violations of the Code of Student Conduct. Sanctions against the student organization and its officers may include recommendation to the Student Government for revocation of the organization's charter, loss of permission to use University facilities and/or the University name, loss of other privileges, as well as other appropriate sanctions. Student organizations may also be referred to the Student Government Judiciary process for adjudication. Furthermore, investigations of an incident may require that both a student organization and the individual members of that organization who were found to have violated University policy may face institutional sanctioning. Student Organizations may also face disciplinary action under the Student Organization conduct process outlined in section IX of this Code.

## **Y. Abuse of the Conduct System**

*Minimum Sanction: Probation; Maximum Sanction: Expulsion*

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

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

## VI. UNIVERSITY NO-CONTACT ORDER (UNCO)

If the Dean of Students Office receives a report regarding a conflict between University students that may violate provisions in the University Code of Conduct or otherwise causes concern for either student's ability to successfully, safely, and fully participate in University life, the Dean of Students Office or a designee may issue a University No-Contact Order (UNCO). UNCOs can be requested by any student involved in the conflict or issued at the discretion of the Dean of Students' Office. The Dean of Students Office maintains the right to deny a request for a UNCO if it is determined that the matter does not raise a serious concern for student safety or success. The UNCO shall be served upon all students involved and shall apply equally to all students. Before a UNCO is issued, the University will attempt to contact the students involved via phone to discuss the requirements of the UNCO. Due to the sensitive nature of these incidents, if the University cannot make contact with the students involved, the UNCO will still be issued and full compliance will be expected. UNCOs are not part of a student's official and/or unofficial academic record.

Violations of the UNCO are prohibited. If a student feels that the UNCO has been violated, they are to contact the Dean of Students or designee. Reported violations of a UNCO may be adjudicated through the University conduct process and failure to comply with a UNCO can result in serious sanctions, including suspension or expulsion. Investigations of alleged UNCO violations may determine that an accidental or unintentional violation occurred, which may result in no disciplinary action.

A UNCO may be lifted at the sole discretion of the Dean of Students Office or designee if both parties mutually agree the UNCO can be lifted and communication expectations moving forward are put in place.

## VII. ADJUDICATION OF DISCIPLINARY CASES

### A. Filing a Complaint

The process described below applies to the adjudication of all discipline cases with the exception of alleged Academic Dishonesty. The process for adjudicating Academic Dishonesty cases is described in Section C: Academic Dishonesty Procedures. In order to initiate a disciplinary proceeding, a member of the University community must file a complaint with the Office of the Dean of Students, the Office of Residence Life and/or University Police. Members of the University Community are directed to submit reports via the **Symlicity system**. If a community member needs to file a Police report, they would need to contact University Police directly.

**The document should include:**

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

## **B. Responding to Complaints**

Complaints may be submitted by Montclair State University students, faculty, or administrators by submitting a detailed report of the incident(s). Incident reports filed by the Office of Residence Life and by University Police are considered complaints.

### **1. Gatekeeping**

The submission of a written or verbal complaint to a University employee does not constitute formal discipline charges. The University reserves the right to review every complaint thoroughly to determine which campus University policy(s) may have been violated. This review may include interviewing alleged witnesses and/or victims. An unsubstantiated complaint that does not result in conduct charges will not be forwarded to a hearing process. A student will be notified of any University charge of violations applicable by electronic delivery notice within five (5) business day of determination of alleged violations by University administrators.

### **2. Interim Suspension**

The University Director of Student Conduct or a designee may suspend a student from the University for an interim period pending disciplinary proceedings. The interim suspension will become immediately effective without prior notice whenever the University Director of Student Conduct or a designee determines there is a reasonable basis to conclude that the continued presence of the student at the University poses a significant risk and high probability of substantial harm or substantial disruption to others, or to property, which cannot be addressed through reasonable accommodations requested by the student. Interim Suspensions will exclude the student from being on campus or participating in any University activity, including academic work, unless otherwise notified.

A student suspended on an interim basis will be given an opportunity to appear personally before the University Director of Student Conduct or a designee within three business days in order to discuss the following issues only:

1. the reliability of the information concerning the student's alleged misconduct, including the matter of their identity.
2. whether the conduct and surrounding circumstances reasonably indicate that the continued presence of the student on University premises poses a significant risk and high probability of substantial harm or substantial disruption to others, or to property, which cannot be addressed through reasonable accommodations requested by the student

The University Director of Student Conduct or designee may affirm or alter the decision to suspend on an interim basis based on such discussion. If the decision is affirmed, a University Hearing will proceed as expeditiously as possible. Any student placed on interim suspension will be given an opportunity to appear at a formal Hearing within ten business days of being placed on suspension or as soon as practical after the respondent is prepared to participate in a Hearing.

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

### **3. Notice:**

As University email is the primary communication tool, all notices will be delivered via the student's University electronic mail and delivery will be considered confirmed upon the message being sent to the student's account. It is the responsibility of the student to check their University email. Notice will include the violations with which a student has been charged and a meeting time to review the complaint and options for resolution. Students should note that disciplinary action may be taken, and sanctions, and applicable stipulations, may be enacted, if they fail to attend the initial conduct conference or any subsequent hearing option. Students who fail to appear after proper notice will be deemed to have pled not responsible to the charges pending against them

In cases where a student charged does not appear after proper notice or does not provide justifiable reason for non-appearance, the hearing will take place as scheduled and a decision rendered in the absence of the accused. In this circumstance, a student may not appeal under the ground that they have additional information that was not available at the time of the hearing.

### **4. Conduct Conference Meeting:**

After receiving a complaint and interviewing the complainant and, if necessary, witnesses, the Conduct Officer will schedule a mandatory meeting with the respondent(s) within five (5) business days of the electronic delivery of the violation notice. The respondent is the student accused of violating campus policies and community standards. The purposes of this conduct conference meeting with the respondent are to review the complaint, discuss the process and to discuss options for resolving the complaint. Opportunity for the accused student to present their account is offered within the hearing options. Only the accused student and the conduct officer will attend this meeting. The complaint will then be resolved in one of the following manners: 1) Mediation, 2) University Administrative Hearing, or 3) University Panel Hearing.

In circumstances where the volume of conduct proceedings may pose a significant strain on University resources and could result in a significant delay in students having their hearings resolved in a timely manner, the University reserves the right to designate certain cases to be resolved exclusively through a university administrative hearing. This decision will be made at the discretion of the Director of Student Conduct, or their designee, taking into consideration factors such as the nature and scale of the incident, currently available resources, the rights of students to have their cases resolved in a timely manner, and the possible sanctions if students are found responsible.

It is important to note that this provision does not diminish the rights of students to a fair and impartial hearing. Students involved in cases designated for university administrative hearings will still be afforded the opportunity to present their case, provide evidence, and receive a decision based on the merits of the case and in accordance with established procedures outlined in the University's Code of Conduct.

Only the student may request the rescheduling of the meeting and requests by third parties, including counsel, will not be reviewed.

#### **5. Mediation:**

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

#### **6. University Administrative Hearing:**

The Conduct Officer will meet with parties involved in the incident, including the complainant, the respondent, and witnesses, if necessary, and will render a decision. The respondent may choose to have an administrative hearing held immediately after their initial conduct conference. If the respondent chooses to have their administrative hearing at another time, the administrative hearing meeting must occur within three (3) business days of the initial Conduct Conference meeting. If the Conduct Officer determines that a preponderance of information indicates that the respondent is responsible for violating the Code of Student Conduct, the Conduct Officer will then issue appropriate sanctions to the respondent. The outcome will be electronically delivered within five (5) business days of the University Administrative Hearing. The respondent may appeal the Conduct Officer's decision. Instructions on filing an appeal will be provided to the student in writing within the outcome letter. The respondent will also be informed in writing if the Conduct Office determines that the student is not responsible for any violation of the Code of Student Conduct. Administrative Hearings will be attended only by the conduct officer, the accused student, and the University Adviser, if one is chosen. If the respondent has a record of prior infractions of University policy, this information will be reviewed if the student is found responsible at the hearing for violating the Student Code of Conduct. This information may then be used to assist in the determination of sanctions regarding the current outcome.

#### **6a. University Administrative Hearing Process**

Should the incident be determined by an administrative hearing, the process will be as follows:

- a. The Hearing Officer will begin the recording and enter their name into the record followed by the accused student entering their own name for the recording. If the accused student has University Advisor present, they will be asked to enter their name and a statement regarding their role will be entered into the recording.
- b. The Hearing Officer will request the student to affirm their selection of the University Administrative Hearing and enter their plea of responsibility or not responsible respective to the individual charges.
- c. The Hearing Officer will offer the student the opportunity to share their account of the incident with any supporting documentation. The student also has the choice not to share any account or documentation.
- d. The Hearing Officer has the ability to ask questions to the accused student. The accused student may choose to answer or not answer any questions posed.
- e. The Hearing Officer will offer the student the opportunity to make a final statement and will enter a final statement of their own prior to conclusion of the hearing.
- f. Decisions may be appealed according to the standards outlined in Section VIII.

## **7. University Panel Hearing**

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

While the University will attempt to make reasonable efforts to take into consideration the academic scheduling of any student, the University may remove a student from classes or convene a Panel during a class period.

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

### **7a. University Hearing Panel Procedures**

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

1. The Director of Student Conduct, or a designee, will review the complaint form with the respondent, may ask the respondent to submit a written response, and provide the names of any witnesses to the alleged incident.
2. The Director of Student Conduct, or a designee, will ask the respondent to provide the names of any University advisors or attorneys who will attend the hearing. The respondent may have one University advisor or one attorney present.
3. The Director of Student Conduct, or a designee, will provide copies of the complaint, response (if one is provided), list of witnesses and a summary of the preliminary investigation to the members of the hearing panel. It will be the responsibility of the respondent to provide copies to their witnesses and attorney/University Advisor.
4. The Hearing Panel will typically consist of two faculty members, two administrators, and three students (graduate or undergraduate). Quorum will consist of one faculty member, one administrator, and one student. There will be a chairperson for each hearing. The membership of the panel will consist of individuals who have received appropriate training on process and related topics, with availability of individuals determining composition of the panel. It may be appropriate for certain discipline matters involving alleged violations of a particularly sensitive or confidential nature to be heard by faculty or administrators only. The complainant, respondent, or University representative presenting the charges may request the case be heard by a faculty/administrator panel. The University Director of Student Conduct or designee will determine if it is appropriate for a case to

be heard in such a manner. If the University Director of Student Conduct or designee determines it is appropriate, a three-person faculty/administrator panel will be convened.

5. At the hearing, members of the hearing body will ask the respondent and their advisor or attorney to remain in the room throughout the hearing. Witnesses will be called one at a time, and excused at the conclusion of their testimony.
6. It will be the sole responsibility of members of the hearing body to question the respondent, the University representative presenting the charges, and their witnesses. Advisors and attorneys, if any, may only offer advice on whether to answer any question posed to the respondent during the hearing and may not address the hearing body.
7. At the conclusion of all testimony, the respondent and the University representative presenting the charges will be permitted four minutes to amplify or clarify any aspect of the information or testimony presented.
8. If the respondent has a record of prior infractions of University policy, this information will be made available to the members of the hearing body, but only if the student is found responsible at the hearing for violating the code of student conduct. This information may then be used to assist in the determination of sanctions.
9. All matters upon which a decision may be based must be introduced into information at the hearing. The decision of the Hearing Panel will be based solely upon such information.
10. The hearing will not be considered a formal legalistic trial. Rather, the Hearing Panel will examine all relevant facts and circumstances at the hearing and will come to a decision based upon a preponderance of the information.
11. Formal rules of evidence applicable to civil and criminal cases will not be applicable to the proceedings.
12. It will be the initial responsibility of the Chair of the Hearing Panel to insure the relevancy of testimony.
13. Student's time to present their account, question participants, and enter final statements are subject to constraints as deemed appropriate by the Chair of the Panel.
14. Hearings are regarded as confidential and are closed to all but the respondent, the advisor or attorney for the respondent, the University representative presenting the charges, the hearing panelists, and to any witnesses called to provide testimony.
15. The Chair of the hearing panel will send notice of the decision of the Hearing Panel, via Director of Student Conduct or designee, in writing electronically to the respondent within five business days of the hearing.
16. Decisions may be appealed according to the standards outlined in Section VIII.
17. Decisions of a University Hearing Panel will be determined by a majority vote of the participating members.

#### **7b. University Panel Hearing Process**

Should the incident be determined by a panel hearing, the process would be as follows; however, this format is subject to change by University discretion):

1. The Hearing Chair will begin the hearing, which is recorded, by entering their name into the recording. The remaining Panel Hearing members will enter their names and roles, followed by the accused student, their attorney/University advisor if present and permitted, ending with the University representative.
2. The Hearing Chair will request the student to enter their plea of responsible or not responsible respective to the individual charges.
3. The Hearing Chair will offer the University representative the opportunity to present documentation/reports/etc...regarding the alleged incident.
4. The Accused student is offered the opportunity to ask questions about the reports, however questions must be submitted in writing to the Hearing Chair for review and relevancy prior to being asked by the Hearing Chair.

5. The Panel members are offered the opportunity to verbally ask questions of the University representative.
6. The University representative is allowed to call in witnesses and ask questions of them. The accused is offered the same opportunity as provided in asking questions of the University representative, followed by the Panel members.
7. When the University representative has concluded, the accused student is offered the opportunity to present their account and evidence.
8. The accused student is able to present eye witnesses and may ask questions verbally of said witnesses.
9. The University representative, followed by the Panel members, are permitted to ask questions of the witnesses. Witnesses are required to answer the questions and be honest in their responses. Failure to do so may result in their removal from the process and disciplinary action.
10. The University representative, followed by the Panel members, is allowed to verbally ask questions of the accused student, however, the accused student is allowed to not answer.
11. The ability to make final statements is offered to participants before concluding the panel hearing.

### **8. Delay of Conduct Process**

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

Scheduling of the Student Conduct Process is based on the student's academic class schedule, with the exception of interim suspension status or Panel Hearings. Causes for delay such as work/job schedule, parent/guardian participation, or athletic practice are not conditions for review in delaying the process. Students are expected to speak for themselves due to the educational nature of the conduct process. In keeping with this goal, only the student may request the rescheduling of the process and requests by third parties, including counsel, will not be reviewed. After the process has been delayed once, the student is expected to attend the next scheduled meeting.

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

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

## **C. Academic Dishonesty Procedure**

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

- 1) The faculty member having the suspicion or information of dishonesty should first discuss the matter with the student(s) involved.
- 2) The faculty member should then discuss the situation with the chairperson of the department.

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

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

(I) Grade the work under question “zero” or “failing”

(II) Allow the student to demonstrate that they can fulfill an assignment through their own honest effort.

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

(I) Grade the work under question “zero” or “failing”

(II) Assign a grade of “F” for the course. (Students should have the right to remain in a class during the term of any course until or unless suspension from the class or the University is imposed.)

(c) In cases where an “F” grade is assigned for academic dishonesty, the faculty should immediately transmit a Request to Post a grade of “F” on the student’s record. The request should be sent to Ms. Cardrienne McDonald Sarin, Assistant Registrar. Said action will prevail over any prior or upcoming withdrawal action on the student’s behalf regarding the specific class.

3) The faculty member may contact the University Director of Student Conduct to report the case of academic dishonesty. Faculty members are directed to **submit reports**. The student’s name will be placed on the University Academic Dishonesty List and the student will receive formal notice of said action in writing electronically. If a prior academic dishonesty record exists, the case will be referred to the Director for adjudication. If the student does not have any prior academic violation, then the current violation may be handled on the Departmental level. The Director or their designee will follow the procedures for adjudication of non-academic cases.

**On a conduct level, faculty members have the following options:**

(I) Have the student’s name added to the official listing of students who have committed academic dishonesty. The reported student will receive notice of this act with recommended resources. No other formal conduct action will be taken. This option, if selected by faculty, will not be recorded in the student’s academic record as a finding of a violation of the Code and imposition of discipline. It will be held as a Reprimand notice only.

(II) Have the student’s name added to the official listing of students who have committed academic dishonesty and refer the case to the University Director of Student Conduct for adjudication. The Faculty member may be called to testify in the conduct process.

(III) With either conduct option, the Faculty will submit copies of documentation and/or detailed reports to the University Director of Student Conduct for official records.

## **D. Removal from Class**

If an instructor determines that the behavior of a student is substantially disruptive to others or substantially interferes with their ability to conduct a class, the instructor may require that the student leave the class for the remainder of that class session. The instructor may call University Police to escort the student from class in the event the student refuses to leave.

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

conduct. It is the student's responsibility to make up the work missed. The mediation conference will be attended by the faculty and the student in question; and may have a third-party of the University present as well.

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

**NOTE:** If a faculty member judges the behavior of a student poses a significant risk to the health and safety and high probability of harm to others, the faculty member should seek assistance from University Police. In such a case, the appropriate University official will take appropriate disciplinary action to resolve the matter. No mediation conference will be scheduled in such cases.

## VIII. APPEALS

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

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

A) Appeals of sanctions issued by Hearing Officers, including Community Directors, must be made in writing to the University Director of Student Conduct or designee. Appeals must be submitted within three business days of the date the letter of sanctions is electronically delivered. Late appeals will not be considered. Appeals must be submitted electronically via University email to the designated appellate officer.

B) Appeals of sanctions issued by Panel Hearings or by the University Director of Student Conduct must be made in writing to the Dean of Students or designee. Appeals must be submitted within three business days of the date the letter of sanctions is electronically delivered. Late appeals will not be considered. Appeals must be submitted via University email to the designated appellate officer.

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

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

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

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

G) Appeal outcomes can 1) affirm the original decision and support sanction and corresponding stipulations; 2) affirm the original decision but modify the original sanction and/or stipulations; or 3) oppose the original decision and determine a new outcome, which may include the dismissal of charges. A modification of an original sanction will never be greater than the original sanction imposed. The granting of an appeal does not ensure removal of all violations or disciplinary outcomes.

# IX. STUDENT ORGANIZATION CONDUCT PROCESS

## A: Student Organizations

Student organizations recognized by the University in accordance with the process defined by the Vice-President for Student Development and Campus Life are subject to the Student Conduct process. These organizations consist of, but are not limited to: fraternities, sororities, club sports, and all other groups with membership partially or fully comprised of Montclair State University students. All recognized student organizations are expected to act in accordance with Montclair State University policies. The discipline process applicable to Student Organizations is in addition to any discipline process that may be imposed by the Student Government Association.

## B: Statement on Authority

Under the authority of the Montclair State University Board of trustees and delegated to the Vice-President for Student Development and Campus Life and the Dean of Students, Student Conduct has authority and the right to address the behavior of all student organizations, regardless of whether that behavior occurs on-campus or off-campus.

Student organizations and any or all of its members may be found individually or collectively responsible for any action committed by members of the Student Organization that violate University policy, local, state or federal laws. Facts of an incident may necessitate disciplinary action taken against both a student organization and the individual members of that organization found to have violated University policy.

## C. Rights of the Organization

The following provisions are established to ensure the rights of student organizations involved in the student conduct process:

1. Notice: The president (or analogous position) of a student organization will be informed via their Montclair State University e-mail account when an investigation begins and the concluding outcome of the investigation.
2. Hearing process: Student organizations have the right to have the conduct matter heard within a hearing process, as outlined in Section XII of the Student Code of Conduct.
3. Appeal: If found in violation of any policy listed in *Section V. Violations* of the Student Code of Conduct, the organization may appeal the decision in accordance with the Student Code of Conduct.

## D. Student Organization Officers

Organization officers have the following responsibilities:

1. Ensure that the organization complies with all University policies and the Student Organizations Conduct Process.
2. Actively oppose and/or prevent any planned or impromptu organizational activity that would violate University policy or state or federal law.
3. Any organizational officer who allows their organization or a member of that organization to violate the University policy or state or federal law without taking steps to prevent the violation, also commits a violation.

4. Additionally, any organizational officer who knows of an unreported violation that has been committed and does not report it to appropriate University officials is in violation.

The organization also may be sanctioned as a collective if an organizational officer is found to be in violation of the Student Code of Conduct related to the Organization, while serving as an officer. Accordingly, student officers are subject to higher individual outcomes if found in violation of University policy.

## E. Organizational Conduct Process

The process provided to student organizations will involve the following steps:

1. **Initiation of the Conduct Process:** Any University member may file a complaint against a student organization. University Police, Student Conduct, or other designated offices under Student Development and Campus Life may review and/or investigate all suspected or reported violations.
2. **Investigation:** Investigations will be conducted to obtain facts about the behavior in question, and may consist of gathering witness statements, evidence, or other relevant information. The student organization president will be notified of the investigation. An organization's advisor or liaison also may be notified of the investigation. Investigative conclusions may result in the student organization being charged with violation(s) of University policy, informal action, or may result in the closure or dismissal of a complaint. If charges are brought, they will be communicated in writing (via Montclair State University email) to the president of the organization.
3. **Interim Actions:** At the discretion of the Vice-President for SDCL or designee, interim actions may be implemented to preserve the safety and integrity of the Montclair State community prior to the completion of the Student Organizations Conduct Process. Once imposed, an interim action takes effect immediately and cannot be appealed.

**Interim actions may include, but are not limited to:**

- **Interim Restriction:** Specific restrictions of organizational functions/activities (on- or off-campus);
  - **Interim Suspension:** A complete halt to all student organization functions and activities (on- or off-campus).
1. **Response to Formal Charges:** The Director of Student Conduct or designee will hold a meeting with the president of a student organization that has been charged with a University policy violation to review the allegations and review the process. The organization's president will have the opportunity to determine if they would like to have the organization's case to be determined administratively (see Section VII, Subsection 6) or via University Panel (see Section VII, Subsection 7). If the matter is decided by a University Panel, the organization president or designee will represent the organization at the hearing, which will follow the process outlined in Section VII of the Student Conduct of Conduct. An organization's advisor or liaison may serve as an advisor, but not actively participate in any meeting or hearing attended by the organization's president or designee.

## F. Student Organization Sanctions

The sanctions listed below are imposed by the Office of Student Conduct. Previous violations may be considered by student conduct administrators in determining sanctions. More than one (1) of the sanctions listed below may be imposed for any single violation for the organization.

1. **Formal Warning:** A formal written warning.
2. **Restitution:** Financial compensation for losses or damages.

3. **Discretionary Requirements:** The Director of Student Conduct or designee may assign educational or service requirements related to the actions of the student organization so that its members may better understand the impact of their actions on the community. This may be used in informal and formal action outcomes.
4. **Probation:** Student organizations placed on probation are not in good standing with the University. Probation is for a defined amount of time. Student organizations found responsible for a University policy violation while on probation may be suspended or have their recognition revoked. Probation may include specific restrictions, including but not limited to:
- prohibition of social events (on- or off-campus);
  - recruitment of new members;
  - participation in campus activities; and
  - completion of specified educational programs.
1. **Suspension:** A complete separation of the student organization from the Montclair State University community for a specified period of time. Suspended organizations may not operate or engage in activity, use University funds or resources (including Montclair State University budgets and facilities), recruit new members, engage in student activities, use Montclair State University's name, or represent Montclair State University in any fashion. Suspended organizations will forfeit all reserved space, University funds and other resources. Organizations that have had their recognition suspended by the Division of Student Development and Campus Life must have a review of organizational status prior to the final removal of the suspension. Final determination authority will reside with the Vice-President for the division of Student Development and Campus Life or appointed designee.
1. **Loss of Recognition:** In instances where a student organization's misconduct is continual or severe, the University may revoke all recognition, which serves as a permanent separation of the organization from the University community. This Loss of Recognition will prohibit the use of the Montclair State University name, recruitment of new members, University or Montclair State University funding, and the ability to host events on campus or in any way interact with or represent Montclair State University. Any group of Montclair State University students who continue to function as a student organization after a Suspension or Loss of Recognition, or who continue to engage in prohibited behavior, will be subject to the full range of disciplinary sanctions available at the University through the Student Conduct Process, up to and including Expulsion, regarding their individual status.

## G. Appeals

Organizations will have the right to one (1) appeal, which is to be submitted by the president or designee of the student organization. The Office of Student Conduct will not recognize or respond to appeals submitted by any other persons from the organization. Student organizations will be provided the same opportunity as individual students to appeal, as outlined in Section VIII of the Student Code of Conduct.

An organization wishing to appeal must provide notice to the Vice-President for SDCL or designee in writing within three (3) business days of delivery of the decision letter. Appeals submitted after this time will not be accepted. The Vice-President for SDCL or designee will determine if the appeal submitted within the appropriate time frame meets the standards identified in Section VIII. The president of the organization will be notified of the appeal decision via their Montclair State University email. All appeal decisions are final.

## H. Statement on Unrecognized Organizations

Unrecognized organizations are groups that have either lost recognition from Montclair State University and/or their national headquarters due to disciplinary action, or were groups that formed and do not have recognition or support from Montclair State University. Sometimes these organizations continue to operate in spite of Montclair State policy. Unrecognized organizations are not advised by the university, are unable to use campus resources, and are prohibited from participating in Greek Life and/or Student

Government events. This includes groups with a membership and/or a purpose substantially identical to a previously recognized student organization, even if operating under a different name. **A list of unrecognized student organizations (Greek or otherwise).**

Students who are recruited to join an unrecognized student organization are encouraged to report such action to Student Conduct.

[View Student Policies](#)

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**MONTCLAIR**  
STATE UNIVERSITY

📍 1 Normal Ave.  
Montclair, NJ 07043

📞 973-655-4000

🗺️ Campus Map

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**Policies and Procedures**

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