

# NEW JERSEY INSTITUTE OF TECHNOLOGY CODE OF STUDENT CONDUCT

## TABLE OF CONTENTS

1. Article 1: Preamble.....	pg. 1
2. Article 2: Definitions.....	pg. 2
3. Article 3: Judicial Authority.....	pg. 3
a. Section 1: Final Authority.....	pg. 3
b. Section 2: Dean of Students.....	pg. 3
c. Section 3: Judicial Body.....	pg. 3
4. Article 4: Hearing Process.....	pg. 5
a. Section 1: Pre-Hearing Procedures.....	pg. 5
b. Section 2: Processes for Resolution.....	pg. 6
c. Section 3: Hearing Procedures.....	pg. 7
5. Article 5: Rules and Regulations.....	pg. 9
a. Guiding Principles.....	pg. 9
b. Section 1: Respect for the Campus and the Community.....	pg. 10
c. Section 2: Safety and Security.....	pg. 12
d. Section 3: Alcohol/Drugs/Gambling/Smoking.....	pg. 15
e. Section 4: Health and Safety.....	pg. 16
f. Section 5. Abuse & Misuse of the Judicial Process/System.....	pg. 17
i. Section 6: Responsible Use of Information Systems and Technology.....	pg. 18
6. Article 6: Sanctions.....	pg. 19
a. Section 1. Sanctions for Individuals.....	pg. 19
b. Section 2. Additional Sanctions Pertaining to Residential Students.....	pg. 21
c. Section 3. Sanctions for Organizations/Group.....	pg. 22
d. Section 4. Student Disciplinary Records.....	pg. 22
7. Article 7: Interim Suspension.....	pg. 23
8. Article 8: Appeals.....	pg. 23
a. Section 1. Grounds for Appeal.....	pg. 23
b. Section 2. Appeal Procedure.....	pg. 24
c. Section 3. Appeal Decisions.....	pg. 24
9. Article 9: Revisions to Code of Student Conduct.....	pg. 24
10. Article 10: Sexual Misconduct and Title IX Reporting.....	pg. 25

# NEW JERSEY INSTITUTE OF TECHNOLOGY CODE OF STUDENT CONDUCT

## ARTICLE 1: PREAMBLE

1. The university seeks to create a community where rights and mutual responsibilities are both recognized and valued. The university promotes the intellectual and personal development of its student population within an environment of freedom of inquiry. In order to preserve this climate of academic freedom, students are expected and required to adhere to high standards of moral, ethical and professional behavior.
2. The university will regulate conduct which affects its interests as an academic community. All members of the community are obligated to observe and adhere to the civil and criminal laws of the local, state and federal authorities as well as to university regulations and policies.
3. This document refers to the procedures and regulations which comprise the Code of Student Conduct. Additional policies, judicial procedures and regulations which apply to students can be found in the Undergraduate/Graduate catalogues and publications about: [Fraternity and Sorority Life](#), [Residence Life](#), [Sexual Harassment](#), and other published documents.
4. The guidelines set forth below are intended to ensure that all persons accused of violating the Code of Student Conduct adopted by the university are treated in a fair and just manner and are afforded an opportunity to have an alleged violation fairly adjudicated. The Code of Student Conduct describes both expected and prohibited types of behavior, procedures for adjudicating offenses committed by students and the sanctions which can be imposed for such violations.
5. The university reserves the right to modify, alter or repeal any of the procedures, rights or responsibilities set forth in this code at any time. Such changes will be posted in appropriate official university vehicles, which may include its website, newspaper, electronic or print publications and any other communication vehicles which may be officially used, prior to going into effect.

## ARTICLE 2: DEFINITIONS

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

1. The term "**university**" means New Jersey Institute of Technology.
2. The term "**student**" means any individual enrolled in one or more courses at the university, whether graduate, undergraduate, full-time, part-time, matriculated, non-matriculated, day, evening, online, or maintaining registration. Those students living in university residences who attend other post-secondary institutions are included within this definition.
3. The term "**faculty**" means any person having faculty, instructing staff, adjunct or lecturer status.
4. The term "**Dean of Students**" means those officials or individuals designated by the Dean of Students to fulfill any of the responsibilities under this document.
5. The term "**investigator**" means the official or individual designated by the Dean of Students who is responsible to research, investigate, and present alleged violations of the Code of Student Conduct before the hearing panel.
6. The term "**university official**" means any person authorized by the university to act in a representative capacity within the scope of their professional or administrative responsibilities.
7. The term "**member of the university community**" means any student, faculty member, university official, guest, licensee, or staff member at the university.
8. The term "**university premises**" means any building, land (including adjacent streets and sidewalks) or facility, fixtures or equipment owned, leased, operated, controlled or supervised by the university.
9. The term "**organization**" means a group of any number of students officially recognized by the University.
10. The term "**group**" means any group of students, which although not officially chartered by the university, has been granted certain privileges or accommodations by the university.
11. The term "**judicial body**" means any person or recognized group of persons authorized by the university to determine whether a student has violated the Code of Student Conduct or Academic Honor Code, and recommend and/or determine appropriate sanction(s). The term "business day" means any day, except Saturday and Sunday, when the university administrative offices are open.
12. The term "**university sponsored activity**" means any activity, on or off campus, which the university officially recognizes, participates in, or supervises.

13. The term "**shall**" is used in the imperative sense.
14. The term "**may**" is used in the permissive sense.
15. The term "**respondent**" means any student or organization accused of a violation of university policy, regulation or other officially approved rule.
16. The term "**complainant**" means any individual or the university itself acting through one or more of its departments or personnel, who has brought forth a complaint resulting in a charge of violation(s) of university policy.
17. The term "**policy**" means any regulation of the university found or referenced in, but not limited to, the Code of Student Conduct, the Academic Integrity Policy, the Student Handbook, the Residence Life Guide, or the Undergraduate/Graduate Catalogues.

## **ARTICLE 3: JUDICIAL AUTHORITY**

### **Section 1. Final Authority**

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

### **Section 2. Dean of Students**

The Dean of Students will administer the disciplinary process as delegated by the President of NJIT.

### **Section 3. Judicial Bodies**

1. Disciplinary hearings under this code may be held by any of the following judicial bodies:
  - Residence Life Professional Staff
  - Dean of Students or their designee
  - Administrative Hearing Officer designated by the Dean of Students
  - Student Conduct Hearing Board
  - Appellate Officer designated by the Dean of Students
2. Decisions of a judicial body shall be final, pending the appeal process(es) as described in this Code.

### **3. Hearing Board:**

- When a hearing board is to be convened, three to five voting members shall be selected from amongst a pool of trained members of the NJIT community. Regardless of the number of voting panel members, at least one of the student panel members shall be a graduate student if the respondent is a graduate student and at least one of the student panel members shall be an undergraduate student if the respondent is an undergraduate student.
- In addition to the voting panel members, a chair shall be selected. The Chair shall either be a faculty member or university official. The chair shall only have a vote if, due to extenuating circumstances, the board has an even number of members and a “tie” is reached.
- No voting member of the hearing panel may abstain. Decisions are based upon majority vote.
- An independent authority with an expertise in the area of the alleged violation may be asked to interpret the details of the case (e.g. faculty member from the School of Architecture may interpret drawings and provide appropriate advice).
- The Student Senate and The Graduate Student Association will be given the opportunity to nominate students to be trained and serve as board members. All students, faculty members and university officials may volunteer to serve on the Student Conduct Hearing Board for renewable one-year terms provided that they meet all the requirements for appointed members of the Committee. These members may be appointed by the Dean of Students as the need arises with the concurrence of the Vice President for Academic Support and Student Affairs. Instances in which the Dean of Students is unable to make such appointments for any reason, the Vice President for Academic Support and Student Affairs may make such appointments.
- All new members of the pool for the Student Conduct Hearing Boards shall participate in training conducted by the Dean of Students (or designee) at the beginning of the academic year of appointment.

## **ARTICLE 4: HEARING PROCESS**

### **Section 1. Pre-hearing Procedures:**

#### **1. Complaint or Referral:**

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

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

Allegations of sexual misconduct as described in Article X will follow the grievance procedures as further defined in Article X.

## **2. Investigation:**

When an incident is reported to the Dean of Students and Campus Life, an investigation is undertaken to determine whether further action is necessary. A University Official will be assigned by the Dean of Students to serve as the investigator, when practical and possible. Interviews are held with the person reporting the incident (complainant), the person accused of the violation (respondent) and appropriately identified witnesses to the incident, as the investigator deems relevant. Written statements may be requested by the investigator.

## **3. Determination of Charge(s) and Specification(s):**

The investigator determines whether charges will be brought against the respondent. The investigator prepares a charge sheet, if appropriate. The investigator may serve as the hearing officer if the case is to be heard in at an Administrative Hearing.

## **4. Student Conduct Hearing Board Notice of Charge(s) and Hearing:**

The respondent is advised of the charge(s) by the Office of the Dean of Students and Campus Life, the procedures to be followed and the date, time and location of the hearing. The written summary(ies) of oral evidence, copies of all written evidence, witness lists, and other supporting evidence are provided to both parties at least five business days prior to the hearing.

## **5. Hearing Waiver:**

The respondent has the option to waive the right to a hearing in circumstances where they do not dispute the facts of the case giving rise to the charge(s) and admits responsibility for his/her actions provided that the respondent is notified of their right to a hearing. To waive a hearing, the respondent must sign a hearing waiver and provide a signed written

statement disclosing the facts surrounding the incident, acknowledging responsibility for their actions and accepting assigned sanctions. The decision to waive the right to a hearing and the admission of responsibility and sanctions are not appealable.

## **6. Preparing for Hearing:**

To prepare for your hearing it is important that you review the guidelines which can be found in Article 4. The hearing is your opportunity to respond to the allegations. Should you choose not to attend, your case will be heard in your absence and you will be informed of the outcome of the hearing. Furthermore if you choose not to attend, you will not have the opportunity to provide testimony or evidence for the purposes of filing an appeal. If you wish to attend the hearing and require any accommodations, please contact the Office of the Dean of Students and Campus Life as soon as possible.

## **Section 2. Processes for Resolution:**

### **1. Waiver of Right to a Hearing:**

When the respondent takes full responsibility for the violation(s) and signs the Waiver of University Judicial Hearing statement, the Dean of Students (or designee) shall determine the sanction(s).

### **2. Administrative Hearing by a Hearing Officer:**

An administrative hearing regarding the alleged violation will be conducted by the Dean of Students or designee (Hearing Officer). The Hearing Officer, when a full board hearing is not reasonably practical, determines findings of responsibility and assigns sanction(s).

### **3. Informal Hearing by a Hearing Officer:**

Informal hearings will be conducted by the Dean of Students or designee (Hearing Officer). The Informal Hearing in cases of academic integrity/misconduct will involve the Hearing Officer, the professor and the student/s involved. A finding may be determined at this point and the case resolved.

### **4. Student Conduct Hearing Board:**

In certain circumstances, a hearing board consisting of trained members of the NJIT community will be convened to determine findings of responsibility and assign sanctions as appropriate.

### **Section 3. Conduct Hearing Board Procedures:**

1. In order to maintain confidentiality, hearings are conducted in private. Admission of any individual to the hearing shall be at the discretion of the Chair of the Student Conduct Hearing Board or as required by law.
2. The complainant and/or the respondent may have an advisor, of their choosing, present at the hearing. The advisor shall not participate directly in the proceedings, but may be consulted by the complainant or respondent.
3. The Chair distributes the submitted evidence to the members of the hearing panel and discusses the procedure to be followed. Time is provided for the members to read the statements.
4. The Chair calls the complainant(s) and the respondent(s) into the hearing room. Both parties will have the opportunity to challenge a board member if they feel the board member cannot objectively hear the case. The Chair will have the final determination as to whether the board member is dismissed.
5. The Chair reads the charge(s) and specification(s), if there are any questions regarding procedure, and how the respondent pleads to each of the charge(s) and specification(s). Final decision(s) of procedural matters during the hearing shall be made by the Chair.
6. Opening statements are given by the complainant and the respondent. These statements are general in nature and may describe the details of the case.
7. The investigator may be called in to give a summary of their investigation. The complainant, the respondent, and the board will have the opportunity to question the investigator.
8. The complainant shall state their case and offer any supporting evidence. The respondent may then ask questions of the witness(es), followed by questions of witness(es) by the members of the hearing panel.
9. The respondent presents testimony and may bring witness(es) who testify as appropriate. The complainant may then ask questions of the witness(es) followed by the panel should they have questions.
10. Witness(es) appear individually and do not remain for the testimony of others. Witness(es) must have observed the alleged incident or provide direct, relevant information.
11. Closing statements are given by the respondent, complainant, and the investigator. The members of the hearing panel may ask further questions, if necessary.
12. The information-gathering session is concluded. All non-hearing panel members are excused from the room. The investigator is available, if needed, but not present during the deliberation.



13. Members of the hearing panel deliberate deciding whether the charge(s) and specification(s) are supported, solely by the evidence presented in the hearing. Each charge and specification is considered separately. The determination is based on preponderance of evidence, meaning it is more likely than not that the respondent violated the Code. If the respondent is found responsible for one or more of the charge(s), the past conduct record of the respondent is reviewed by the Chair. The panel determines the nature of the sanctions.
14. The Chair sends a letter within 3 business days after the conclusion of the board deliberation to the respondent indicating the date of the hearing, the charge(s) and specification(s) involved, a summary of the findings and the conclusions, including any sanction(s). A copy of the letter and appropriate written material used in the hearing shall be placed in the respondent's personnel file located in the Office of the Dean of Students and Campus Life. The decision of the board is final.

## **ARTICLE 5: RULES AND REGULATIONS**

### **Guiding Principles**

1. The university will protect the safety and wellbeing of the campus community as well as university-related facilities and property. This right includes taking disciplinary action for offenses occurring off campus when, in the determination of the judicial body, they pose a substantial danger to, or adversely affect, the university community and/or the pursuit of its objectives.
2. The university will charge and if found to be responsible, apply sanctions against any student organization or group when prohibited conduct is engaged in or related to the activities and/or interests of that organization/group, or such conduct is engaged in by a collection of individuals of the organization/group. For any violation of this Code, action may be taken against individuals, student organizations, groups or any such combination.
3. Being under the influence of drugs and/or alcohol does not diminish or excuse a violation of the Code, and in fact, may elevate the offense(s) and result in more severe sanctions.
4. Guests must adhere to campus policies. A student whose guest(s) has (have) violated any provision of this Code shall be held responsible for such behavior, and will face appropriate disciplinary action.
5. If a violation of university guiding principles, guidelines, rules and/or regulations, published in this or other university document or public statement, occurs which is also a violation of law, the university may take disciplinary action against student offenders in addition to

to what may be filed by law enforcement agencies with their respective jurisdictions. Such action is independent of and may proceed before, during or following civil or criminal action. Such actions are not subject to challenge on the basis that civil or criminal charges involving the same incident have been reduced or dismissed. The university may adjudicate violations of policy that may also be legal violations taking place off-campus if such violations have or foresee ably may have an adverse effect on the university community its objectives.

6. Any student who withdraws from, or fails to return to, the university while disciplinary action is pending against them will be ineligible for readmission unless the charges are dismissed or resolved. The university reserves the right to restrict individuals from the campus while those individuals have unresolved disciplinary charges pending.
7. Attempts to engage in acts or behaviors prohibited by this Code, or assist in others to violate this Code, shall be treated as though the behaviors were completed, and may result in the same sanctions being applied as if the acts or behaviors were completed.

Any student or student organization found to have violated any provision cited in the Code of Student Conduct is subject to the disciplinary sanctions described in Article 5.3 herein. Generally, the sanction(s) imposed will fall within the range suggested in each violation stated below. However, in unusual circumstances, the judicial body may use its discretion in choosing sanctions outside these guidelines, including expulsion in severe circumstances, or in case of repeated, lesser offenses. These include, but are not limited to, the following offenses:

## **Section 1. Respect For The Campus and The Community**

### **1. Assault/Respect for Persons:**

No student shall endanger the welfare or any other person. This includes but is not limited to:

- a. Bullying, threatening, coercing, harassing, abusing, intimidating, or physical assaulting another person.
- b. Any form of abuse, whether physical, verbal, written, or in electronic form.
- c. Fighting, whether the fight is between two or more individuals or between groups of individuals.
- d. Verbal statements that are threatening or non-physical in nature, obscenities, fighting words, or defamation of character. Non-Physical is constituted as psychological abuse or behavior that is abusive through oral or written statements that are foreseen as disruptive, embarrassing, humiliating shameful or intimidating.
- e. Sexual misconduct, sexual assault, dating violence, domestic violence, and stalking that falls outside the scope of the Title IX Sexual Harassment Policy (Interim) as further described in Article X.

## **2. Respect for Property:**

No student shall engage in any form of larceny, robbery, shoplifting, or stealing involving university, personal, or public property. No student shall attempt any form of theft or be in possession of stolen property. Respect for Property includes but is not limited to:

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

## **3. Hazing:**

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

## **4. Disruption/Disruptive Conduct:**

No student shall engage in any conduct that disrupts, interferes, or obstructs any educational process or other legitimate social, research, recreational, or administrative activities and functions of the university. Examples of disruptive conduct include but are not limited to:

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

## **5. Failure to Comply with Official Directives:**

No student shall fail to comply with the directives of university officials acting in the performance of their duties. This includes but is not limited to:

- a. Failure to identify oneself or provide proper identification when requested.
- b. Lying with the intent to deceive or misrepresent oneself with University documents.
- c. Failure or refusal to respond personally to a directive or report to an administrative office.

- d. Fleeing or attempting to flee when approached by a staff member.
- e. Failure to comply with a staff member's reasonable behavioral expectations.

#### **6. Misuse of University Documents:**

No student shall intentionally furnish false information nor shall a student data, forge, alter, destruct, or misuse any university documents. This includes but is not limited to:

- a. Student records, identification, timesheets, and/ or academic forms and/or files.
- b. Conveying false information/documents for the purpose of defrauding or cheating.
- c. Conveying information/documents known to be false by actions such as lying or being dishonest.

#### **7. Unauthorized Posting:**

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

#### **8. Unauthorized Recreational Activities/Indoor Sports:**

Sports and other unauthorized recreational activities are prohibited in all University facilities. This includes but is not limited to: hockey, skating, skateboarding, football, baseball, frisbee, tennis, bowling, and soccer.

- a. Bicycles are not permitted to be used or stored within the interior of all University buildings.
- b. Personal scooters are not permitted to be used within the interior of all University buildings. Rental scooters must remain in outdoor areas only.
- c. The use of water guns or water balloons is restricted to outdoor areas only and must not impose on the normal activities of the University and the University community.
- d. Hoverboards (hands-free segways) are prohibited anywhere on campus.

#### **9. Commercial Activities and Solicitation:**

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

#### **10. Banned Organizations:**

The university has established policies and procedures to ensure the safety of its students

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

## **Section 2. Safety and Security**

### **1. Weapons:**

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

### **2. Interference:**

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

### **3. Threat to Safety:**

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

### **4. Identification Cards:**

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

### **5. a. Guest Responsibility (campus-wide):**

When a student has a guest or guests on campus, the student assumes responsibility for the conduct of that guest or guests. All campus guests must carry a valid photo ID at all times and present that ID when requested by a University Official.

### **b. Guest Responsibility (residence halls):**

Residents hosting guest(s) assume full responsibility for the actions of their guest(s) whether the guest has been formally registered or not, and regardless of duration of

visit. This may include liability for the cost of property damage caused by a guest and/or any judicial action instituted as a result of guests' behavior.

All guests must sign in and out the residence halls with their residential host present. All residential guests must be at least 17 years old. All guests must leave a valid photo identification at the residence hall desk for the duration of their visit. Residential guests are not permitted to stay overnight for more than two (2) nights per week. Residential guests are not permitted in the residence halls without being accompanied by their host.

**6. a. Maximum Occupancy (residence halls):**

Each resident assigned to a residence hall space may host up to two guests at any time. No more than eight (8) people may be in a room at one time (including assigned residents).

**b. Unauthorized Occupancy (residence halls):**

Facilities not authorized for sleeping quarters (i.e. lounges, laundry rooms, common areas) may not be used for that purpose without the consent of the Director of Residence Life.

**7. Unauthorized Access:**

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

**8. Restricted Areas:**

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

**9. Dangerous Conditions:**

No student shall engage in any activity or create a condition that endangers or threatens the health, safety, or well-being of him/her or others. 10. Aiding, Assisting and/or Inciting in Prohibited Conduct: No student shall aid, help, or otherwise assist another in violating any rule applicable to the Student Conduct Code. No student shall willfully incite others to commit any acts prohibited in the Student Conduct Code.

## Section 3. Alcohol/Drugs/Gambling/Smoking

### 1. Alcohol:

The University prohibits the possession and consumption of alcoholic beverages to those under the age of 21. The sale, giving, serving, manufacturing, and dispensing of alcoholic beverages to those under the age of 21 is prohibited. Unauthorized consumption of alcohol, public consumption, public intoxication, or the possession of an open container of alcohol, regardless of whether the individual is over 21, is prohibited.

#### a. Excessive Consumption:

To discourage excessive consumption of alcoholic beverages, bulk containers of alcoholic beverages and items that encourage the excessive consumption of alcohol are prohibited on campus and in all facilities and residence halls. This includes but is not limited to kegs, funnels, beer balls, draft containers of wine, beer pong tables, beer helmets, alcohol related games, etc.

#### b. In The Presence of Alcohol (campus):

Students under 21 years of age may not be in the presence of alcoholic beverages on the University campus as expressly permitted by law and college policy. This includes but is not limited to University sanctioned events and activities where alcohol may be served to those over the age of 21.

#### c. In The Presence of Alcohol (residence halls):

Alcohol is not permitted in any residence hall room or suite where the assigned residents are under 21. Any student over 21 is permitted to consume alcohol only in their assigned residence hall room or the room/suite of another resident of legal drinking age. Any resident of legal drinking age is not permitted to consume alcohol in the presence of a student under the age of 21 (with the exception of an assigned roommate). Any student under the legal drinking age is prohibited from knowingly remaining in a residence hall room or suite where alcohol is present.

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

### 2. Drugs:

The University prohibits the use, possession, manufacture, distribution, or dispensing of any substance defined by New Jersey State or Federal law as illegal.

No student shall possess substances defined as controlled, other than personally prescribed medications. No student shall abuse or improperly use over the counter drugs/substances. The use or possession of prescription drugs prescribed to another person is prohibited.

**a. In The Presence of Illegal Drugs:**

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

**b. Drug Paraphernalia:**

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

**3. Gambling:**

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

**4. Smoking:**

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

## **Section 4. Health and Safety**

**1. Fire Safety:**

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

**2. Arson:**

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



### **3. a. Prohibited Items (campus):**

Any item or device that constitutes a threat to fire safety on campus is prohibited. This includes but is not limited to: fireworks, flammable liquids, portable stoves, grills and/or barbecues, hover boards, torches, etc.

### **b. Prohibited Items (residence halls/facilities):**

Any item or device that constitutes a threat to fire safety in any residence hall or campus facility is prohibited. This includes but is not limited to: candles, incense, tart warmers, plug-in air fresheners, halogen lights, holiday/decorative string lights, multi-plug adapters, extension cords etc. Please consult the Residence Life Guide to Living on Campus for a more comprehensive list.

### **4. Cooking and Appliances:**

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

### **5. Pets/Animals:**

No pets are permitted in university buildings except service dogs, other service animals in training, and pre-approved [emotional support animals](#). On-campus residents may only have fish in a tank of no more than 10 gallons.

## **Section 5. Abuse & Misuse of the Judicial Process/System**

### **1. Failure to Respond:**

Failure to respond to a notice to meet with a university official or failing to appear before a judicial body after notice is issued is prohibited.

### **2. False Information:**

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

### **3. Disruption of the Judicial Process:**

Disrupting or interfering with the orderly procedure of a judicial investigation or hearing is prohibited. No student shall or attempt to harass (verbally or physically) or intimidate any member of the judicial body prior to, during, or after any judicial proceeding.

### **4. Retaliation:**

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

### **5. Failure to Comply with Sanctions:**

Failure to comply with or obstructing the implementation of sanctions issued by a judicial body is prohibited and can result in further judicial action. This includes but is not limited to violating the terms of probation, violating the terms of a suspension or restriction, and violating the Code while on probation. In addition, no one shall aid, abet, or assist anyone in failing to comply with official sanctions. Failure to complete sanctions may also result in a hold on all University records and registration until the sanction is completed.

## **Section 6. Responsible Use of Information Systems and Technology**

### **1. Misuse of Information Systems:**

The unauthorized use of or misuse of University computer systems including data and/or voice communication networks is prohibited. This includes but is not limited to establishing servers on non-University owned machines; the downloading and/or streaming of any copyrighted material without the owners' permission; the unauthorized use of campus computing and networking for commercial purposes.

### **2. Breach of Information Security:**

The deliberate attempt to degrade or compromise in any manner the performance of a computer system or network is prohibited. Breach of security includes, but is not limited to: configuring software or hardware to intentionally allow access by unauthorized users, creating or knowingly propagating viruses, hacking, unauthorized monitoring of electronic communications, unauthorized viewing, copying and/or distribution of others' files.

### **3. Credentials:**

Authorized users should not share their personal credentials with other individuals such as logins, passwords. Users should not put the University at risk by modifying equipment, accounts, files, removing software, spreading viruses, sending threatening or harassing

emails to others, or sharing images or information that violates any law or policies outlined in the student code of conduct.

#### **4. Inappropriate use of electronic mail:**

The deliberate attempt to initiate or propagate electronic chain messages. This includes but is not limited to:

- a. Inappropriate mass mailing to individuals or newsgroups
- b. Forging the identity of a user in an electronic communication
- c. Using another person's email account or identity to send e-mail messages
- d. Attempting to monitor or tamper with another user's electronic communications
- e. Reading, copying, changing or deleting another user's files or software without the explicit agreement of the owner
- f. Using e-mail or personal web page advertising to solicit or proselytize others for personal gain.

## **ARTICLE 6: SANCTIONS**

### **Section 1. Sanctions for Individuals**

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

#### **1. Academic Sanctions:**

Violations of the Academic Integrity Policy may result in sanctions stated herein and/or academic sanctions as specified in the [Academic Integrity Code](#).

#### **2. Warning:**

Finding that the student or organization has violated university regulations, but no further action is being taken; notice that continuation or repetition of such behavior may result in more severe sanctions.

#### **3. Reprimand:**

A written reprimand that the student or organization has violated university regulations, and that continuation or repetition of prohibited conduct may result in more severe sanctions.

#### **4. Disciplinary Probation:**

A written notice to the student or organization which has violated university regulations that their status as a student or organization in good standing has been removed and that

they are subject to further sanctions up to suspension and/or expulsion upon continuation or repetition of prohibited conduct. Disciplinary probation is imposed for a specified time period for observing and evaluating the student's or organization's conduct. Any violation of the terms of probation shall be charged as a separate offense, subject to the hearing procedures set forth in this Code, with sanctions to include extension of probation, loss of privileges, suspension or expulsion.

**5. Loss of Privileges:**

The student or organization may be excluded from participation in co-curricular activities including, but not limited to, eligibility to receive non-academic or non-financial awards/honors, representing the university in an official capacity, or engaging in intramural or intercollegiate athletics. Any restrictions imposed shall be designated as to length, character, and restoration of privileges.

**6. Restitution:**

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

**7. Fines:**

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

**8. Discretionary Sanctions:**

These are sanctions which are unique in character, and dependent upon the specific conduct. They may be imposed in concert with other sanctions. Examples include, but are not limited to: participation in specified programs, such as an alcohol education program; completion of a research paper related to the nature of the violation; temporary or permanent loss of parking privileges; loss of access to university computing facilities; repair or restoration of damaged/stolen property.

**9. Suspension:**

Exclusion from enrollment, university premises, and/or other privileges or activities for a specified time period, after which the student is eligible for reinstatement. Suspension may be imposed during an academic term of enrollment and may continue for one or more additional terms as specified, but not to exceed two years. Conditions for reinstatement may be specified. Notice of this action shall appear on the student's transcript for the time period the suspension remains in effect.

### **10. Indefinite Suspension:**

Exclusion from enrollment, university premises, and other privileges or activities for an indefinite time period beyond two years. Student must apply for reinstatement to NJIT through the Office of the Dean of Students which shall consult the Admissions Office and the Academic Department to which the student wishes to return to determine suitability for reinstatement. Conditions for reinstatement shall be specified. Notice of this action shall appear on the student's transcript until the student is declared eligible to return to the university.

### **11. Expulsion:**

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

## **Section 2. Additional Sanctions Pertaining to Residential Students**

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

### **1. Reassignment:**

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

### **2. Suspension from Housing:**

A student may be required to move out of the residence halls for a pre-determined amount of time. Conditions for reinstatement to housing may be specified. While on suspension from the residence halls, the student may not enter any residential facility without the express authorization of the Dean of Students and Campus Life Office or Director of Residence Life. Any student who violates the terms of the suspension can be subject to expulsion from the residence halls and face additional judicial action.

### **3. Expulsion from Housing:**

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

## **Section 3. Sanctions for Organizations/Group**

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

### **1. Loss of Privileges:**

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

### **2. Temporary Suspension of Official University Recognition:**

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

### **3. Permanent Revocation:**

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

## **Section 4. Student Disciplinary Records**

A record of violation(s), hard copy or electronic copy, is kept in the student's file in the Office of the Dean of Students and Campus Life. The Office of the Dean of Students and Campus Life shall maintain the official disciplinary records and a disciplinary tracking system, which shall include, but not be limited to, the student's name and related identifying information. In cases not involving suspension or expulsion, all disciplinary records in the student's file shall be removed after seven years of continuous non-enrollment at the University.

### **Expungement of Student Conduct Records:**

The New Jersey Institute of Technology (NJIT) is required by law to retain a student's record for statistical purposes. The student conduct records may be destroyed seven years after the final decision is delivered to a student. These records may only be destroyed after a full review and directive by the Dean of Students. In some instances, a student may request through a petition to the Dean of Students to have their records expunged. Expungement in this context refers to the removal of the conduct record before the seven year period. Other reports associated with the student are maintained accordingly. Student conduct record expungement is applicable only to students who did not receive an administrative action, suspension, or expulsion. Those records are maintained indefinitely within the Office of the

Dean of Students. Any request or petition for expungement are reviewed by the Dean of Students or their designee. All requests must be submitted in writing and by using the appropriate form.

Please note that if a student has been found responsible one year prior, a request to have their transcript expunged will not be granted.

**What constitutes eligibility for record expungement?**

1. A student has achieved senior standing and has not violated the code since their first incident
2. Applying to graduate school or there are credible reasons to justify the request
3. The student has maintained good academic standing
4. The student has remained free or refrained from additional disciplinary matters
5. Sanctions associated with any previous violations were completed in a timely manner

**What constitutes ineligibility for record expungement?**

1. The student was subject to academic probation, suspension, expulsion or any administrative actions imposed by the Dean of Students or their designee that could result in suspension or expulsion from the University.
2. The nature of the violation was associated with any of the following:
  - a. Sexual misconduct
  - b. Threat to safety and others such as the use of weapons
  - c. Hazing or harm to others
  - d. Harassment, discrimination, or any combination of the two
  - e. Any violation of the student code of conduct that was egregious in nature.

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

The Office of the Dean of Students and Campus Life has the sole authority to grant or deny any request for the expungement of a student's records. No appeals are granted or permitted.

## ARTICLE 7: INTERIM SUSPENSION

In an extreme circumstance where it is determined by the Dean of Students that the student poses a likely threat to the safety and welfare of themselves, to other persons, to university property, or to the normal operations of the university, interim suspension from campus residence or from the university may be temporarily imposed. The interim suspension may be made immediately and without prior notice upon recommendation of the Dean of Students. During interim suspension, the student may lose regular privileges, such as the right to be present in campus residences and/or on campus or engage in any university activities or privileges as determined to be appropriate by the Dean of Students. The interim suspension shall be in effect until the case is heard by the appropriate judicial body. If the student is incarcerated or the incident is pending criminal charges, the hearing may be postponed. At any time when it appears that a student organization has violated university policies and procedures, the Student Life staff will issue an interim suspension letter until a determination to proceed is made. The proceeding may result in an investigation and/or hearing in accordance with the procedures outlined herein. The organization may also be referred back to the Offices of Student Life and/or Fraternity and Sorority Life for further consideration and action.

## Article 8: APPEALS

### Section 1. Grounds for Appeal:

The respondent found responsible by an Administrative Hearing Officer for an offense may request an appeal.

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

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



The Dean of Students (or designee) will review the appeal to determine if it meets the criteria for reconsideration.

## **Section 2. Appeal Procedure:**

If the respondent chooses not to accept the decision, and requests an Appeal, the written request shall be made to the Office of the Dean of Students and Campus Life within three business days following notice of the results. The Dean of Students, or designee, will review the appeal to determine if it meets criteria. The Office of the Dean of Students and Campus Life Office reserves the right to assign the appeal to an Appeals Officer or The Committee on Student Judicial Appeals. The Appeals Officer or Committee shall review the written record of the case and, if appropriate, the recording (in part or in full) of the Hearing being appealed. A new hearing shall not be conducted by the Committee on Student Appeals or Appeals Officer.

## **Section 3. Appeal Decisions:**

The Committee or Appeals Officer may:

1. Affirm the finding and sanction(s) imposed;
2. Affirm the finding and reduce or suspend the sanction;
3. Overturn the finding and sanction imposed.

All decisions of the Appeals Officer of the Committee on Student Judicial Appeals are final, and not subject to further appeal. The notification of the decision shall be sent from the Dean of Students.

## **ARTICLE 9: REVISIONS TO THE CODE OF CONDUCT**

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

## ARTICLE 10: SEXUAL MISCONDUCT AND TITLE IX REPORTING

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

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

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

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

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

View NJIT’s Title IX Sexual Harassment Policy (Interim) [Here](#)